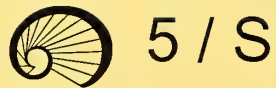


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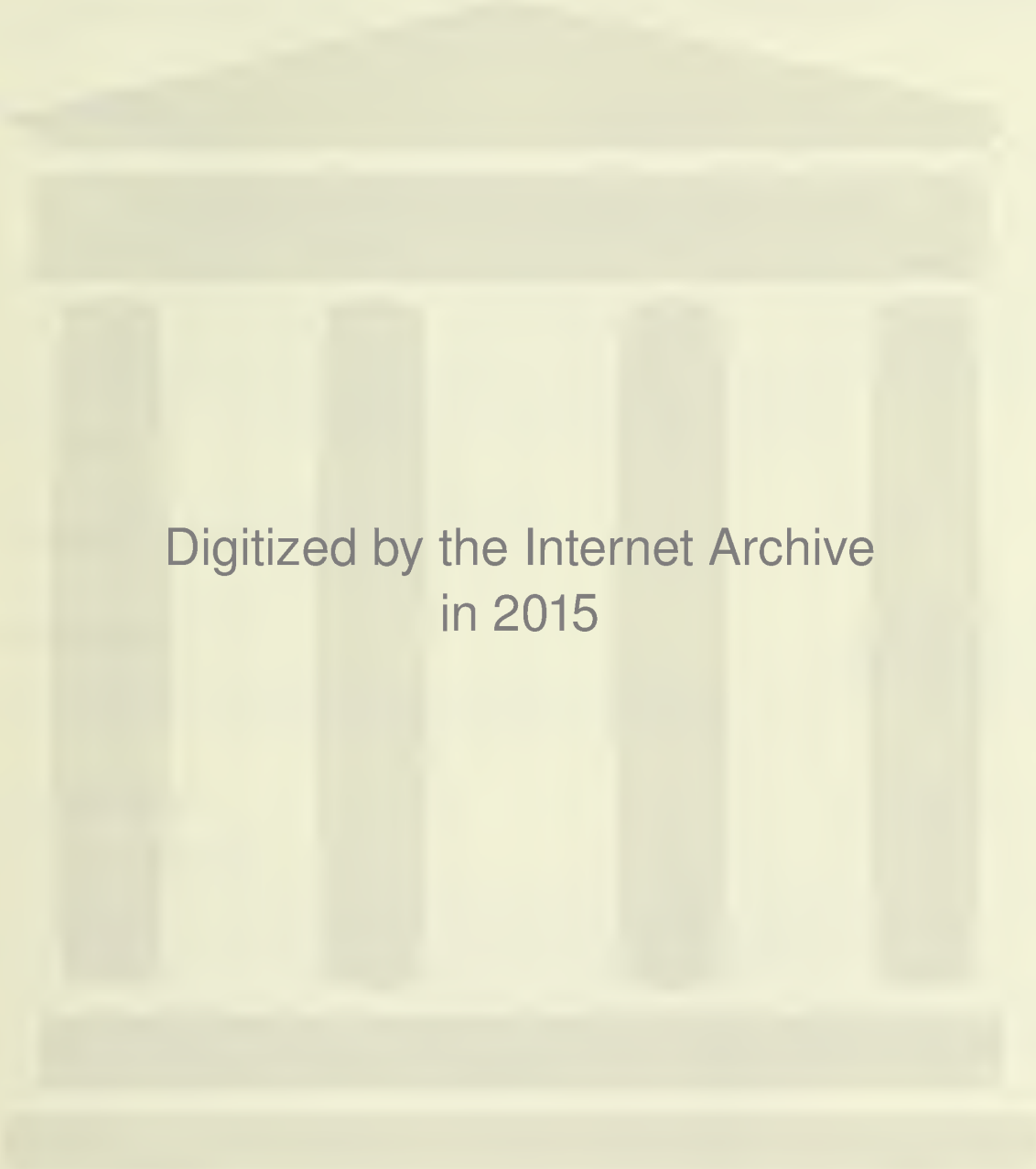


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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 09, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the Dec. 12, 2012 minutes.

JAN - 4 2013

(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 1195 Quesada Street. Letter from William Coggan, SFPD Permit Hearing Officer, requesting rehearing of Appeal No. 12-089, Johnson vs. SFPD, decided Nov. 07, 2012. At that time, the Board voted 3-1-1 (Commissioner Lazarus dissented, one vacancy) to grant the appeal, overrule the denial of Tow Car Operator Permit, and issue the permit on the basis that the appellant fully disclosed his conviction history at the time he applied for the permit and that there is no proof in the record of any conviction. Appellant: Henry Johnson.

(5) **APPEAL NO. 12-132**

ROXIE MARKET & DELI, Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

500 Kirkham Street.
Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Oct. 12, 2012. Reason(s) for suspension: selling tobacco products to minors.
DIRECTOR'S CASE NO. SMK-1233.
FOR HEARING TODAY.

(6) APPEAL NO. 12-137

WARREN McGRATH & MARK GOLDSTEIN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2300 – 33 rd Avenue. Protesting the issuance on Oct. 25, 2012, to NextG Networks of California Inc. (now Crown Castle), Personal Wireless Service Facility Site Permit. PERMIT NO. 11WR-0082. FOR HEARING TODAY.
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(7) APPEAL NO. 12-130

BAY VIEW OFFICE FOR COMMUNITY PLANNING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2065 Oakdale Avenue. Protesting the issuance on October 11, 2012, to Jack Tsang, Permit to Alter a Building (remove deteriorated vacant warehouse building; existing main building to remain). APPLICATION NO. 2012/10/09/1608. FOR HEARING TODAY.
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(8) APPEAL NO. 12-140

QUENTIN KOPP, LAKESHORE ACRES IMPROVEMENT CLUB, CALVARY ARMENIAN CONGREGATIONAL CHURCH, LAKE MERCED CHURCH OF CHRIST, SAINT GREGORY ARMENIAN APOSTOLIC CHURCH / KZV ARMENIAN SCHOOL, BRANDEIS HILLEL DAY SCHOOL, RICHMOND BROTHERHOOD MASONIC TEMPLE, DENISE LaPOINTE, LINDA SHAH, CONGREGATION BETH ISRAEL JUDEA, AND HOLY TRINITY GREEK ORTHODOX CHURCH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: RCS BROTHERHOOD WAY LLC	800 Brotherhood Way. Protesting a Letter of Determination dated Oct. 26, 2012, addressed to Ilene Dick at Farella Braun & Martel LLP, that the Conditional Use authorization under Planning Commission Motion No. 17022 for a residential Planned Unit Development with up to 182 dwelling units at the subject property, which was approved on May 19, 2005, is still valid.
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(9) APPEAL NO. 12-144

RICHARD & DENISE WALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2652 Chestnut Street. Protesting the issuance on Nov. 06, 2012, to Ronald Sires, Permit to Alter a Building (one story vertical addition with access to roof; expand garage; remodel rooms; change full bath to ½ bath at 2 nd floor; new bathrooms, new bedrooms and master suite at 3 rd floor). APPLICATION NO. 2009/06/05/9880S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 04, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives

REGULAR MEETING, BOARD OF APPEALS, JANUARY 09, 2013 - PAGE 4

of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at soft@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

JAN 23 2013

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 09, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Frank Fung, Commissioner Darryl Honda, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Patrick O'Riordan, Senior Building Inspector, DBI; John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping, (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Chris Hwang.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Lazarus announced that she will be absent from the January 30, 2013 and February 13, 2013 Board meetings.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the December 12, 2012 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (President Hwang absent) to adopt the December 12, 2012 minutes.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 09, 2013 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 1195 Quesada Street. Letter from William Coggan, SFPD Permit Hearing Officer, requesting rehearing of Appeal No. 12-089, Johnson vs. SFPD, decided Nov. 07, 2012. At that time, the Board voted 3-1-1 (Commissioner Lazarus dissented, one vacancy) to grant the appeal, overrule the denial of Tow Car Operator Permit, and issue the permit on the basis that the appellant fully disclosed his conviction history at the time he applied for the permit and that there is no proof in the record of any conviction. Appellant: Henry Johnson.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 2-2-1 (Vice President Fung and Commissioner Honda dissented and President Hwang absent) to grant the request and rehear the appeal. Lacking the four votes needed to pass, the motion failed. With no further motion made, the rehearing request is denied by operation of law.

SPEAKERS: William Coggan, agent for requestor; Henry Johnson Jr., agent for permit holder.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-132

ROXIE MARKET & DELI, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	500 Kirkham Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Oct. 12, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. SMK-1233. FOR HEARING TODAY.
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This matter was withdrawn by the appellant prior to hearing and was not heard.

(6) APPEAL NO. 12-137

WARREN McGRATH & MARK GOLDSTEIN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2300 – 33 rd Avenue. Protesting the issuance on Oct. 25, 2012, to NextG Networks of California Inc. (now Crown Castle), Personal Wireless Service Facility Site Permit. PERMIT NO. 11WR-0082. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the permit for the reasons stated by the permit holder at hearing.

SPEAKERS: Appellants did not appear. Natasha Ernst, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-130

BAY VIEW OFFICE FOR COMMUNITY PLANNING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2065 Oakdale Avenue. Protesting the issuance on October 11, 2012, to Jack Tsang, Permit to Alter a Building (remove deteriorated vacant warehouse building; existing main building to remain). APPLICATION NO. 2012/10/09/1608. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to grant the appeal and uphold the permit on the basis of the permit holder's agreement to send out neighborhood notification on all permit applications submitted during the next five years excluding permits needed to correct existing Notices of Violation against the property. Such notification shall conform to the notice requirements imposed by DBI on Form 6 Building Demolition Permits. In addition, the suspension of this permit shall not be lifted until the permit holder provides the appellant and DBI with soils testing results that have been prepared by a certified professional soils testing laboratory.

SPEAKERS: Dan Dodt, agent for appellant; David Silverman, attorney for permit holder; Patrick Buscovich, agent for permit holder; Chris Ricard, agent for permit holder; Patrick O'Riordan, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Earl Shaddix, William Farley, Esselene Stancil, Sue Ellen Smith, Sean Karlin, Barbara Orkel, Robert Davis, Ann deJesús, Joe Boss, Michael Hamman, Espanola Jackson and Dorothy Peterson spoke in support of the appellant.

(8) APPEAL NO. 12-140

QUENTIN KOPP, LAKESHORE ACRES IMPROVEMENT CLUB, CALVARY ARMENIAN CONGREGATIONAL CHURCH, LAKE MERCED CHURCH OF CHRIST, SAINT GREGORY ARMENIAN APOSTOLIC CHURCH / KZV ARMENIAN SCHOOL, BRANDEIS HILLEL DAY SCHOOL, RICHMOND BROTHERHOOD MASONIC TEMPLE, DENISE LaPOINTE, LINDA SHAH, CONGREGATION BETH ISRAEL JUDEA, AND HOLY TRINITY GREEK ORTHODOX CHURCH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Prop. Owner: RCS BROTHERHOOD WAY LLC	800 Brotherhood Way. Protesting a Letter of Determination dated Oct. 26, 2012, addressed to Ilene Dick at Farella Braun & Martel LLP, that the Conditional Use authorization under Planning Commission Motion No. 17022 for a residential Planned Unit Development with up to 182 dwelling units at the subject property, which was approved on May 19, 2005, is still valid.
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REGULAR MEETING, BOARD OF APPEALS, JANUARY 09, 2013 - PAGE 4

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Quentin Kopp, appellant; Steven Vettel, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: David Pilpel asked how the term "lapse of use" is defined, encouraged appellants to file a Block Book Notification, and discussed the environmental findings associated with the project.

Julian Lagos, Mike Dwyer, Cathy Lentz, Tony Hall and Andrew Thanos spoke in support of the appellant.

(9) APPEAL NO. 12-144

RICHARD & DENISE WALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2652 Chestnut Street. Protesting the issuance on Nov. 06, 2012, to Ronald Sires, Permit to Alter a Building (one story vertical addition with access to roof; expand garage; remodel rooms; change full bath to ½ bath at 2 nd floor; new bathrooms, new bedrooms and master suite at 3 rd floor). APPLICATION NO. 2009/06/05/9880S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the permit on the basis that the Planning Code Section 311 notice has not expired and the permit was property issued.

SPEAKERS: Richard Wall, appellant; Denise Wall, appellant; Rajat Randev, agent for appellants; Ronald Sires, permit holder; John Lau, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Zack Rogers, Elena Micheli and David Blatteis spoke in support of the appellants.

ADJOURNMENT.

Commissioner Lazarus noted the recent passing of Claire Pilcher, who served both as a member of the Board of Appeals and as the department's director, and asked that the meeting be adjourned in her memory. There being no further business, Vice President Fung adjourned the meeting at 9:25 p.m. in memory of Claire Pilcher.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 16, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) ELECTION OF OFFICERS:

GOVERNMENT
DOCUMENTS DEPT

(3) COMMISSIONER COMMENTS & QUESTIONS:

JAN 11 2013

(4) ADOPTION OF MINUTES:

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Discussion and possible adoption of the January 09, 2013 minutes.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUESTS:

Subject property at 404 Jersey Street. Letter from Bill Pashelinsky, requestor, asking that the Board take jurisdiction over the denial on Aug. 14, 2012 of Rear Yard Variance (Case No. 2012.0173V) and the denial on Sept. 05, 2012 of BPA No. 2011/12/15/0758. The appeal periods ended on Aug. 24, 2012 and Sept. 20, 2012, respectively, and the jurisdiction requests were filed at the Board office on Oct. 31, 2012. **Rear Yard Variance:** to construct a 10-foot wide curb cut and off-street parking pad located within an open area which qualifies as the required rear yard. **Building Permit Application:** convert existing concrete slab into parking pad with new gate and curb cut.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 2

ITEMS (6A), (6B), (6C) & (6D) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-105

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. PUBLIC HEARINGS HELD ON OCT. 17, 2012 AND DECEMBER 12, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matters continued to allow time for the permit holder to submit Code compliant revised plans.
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(6B) APPEAL NO. 12-106

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM _A.
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(6C) APPEAL NO. 12-107

DENNIS STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. SEE NOTE IN ITEM _A.
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(6D) APPEAL NO. 12-108

DENNIS STEWART Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM _A.
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(7) APPEAL NO. 12-141

GRACE WU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	42 Lapham Way. Appealing the imposition of penalty on Nov. 13, 2012, for construction work done without a permit. APPLICATION NO. 2012/11/13/4113. FOR HEARING TODAY.
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(8) APPEAL NO. 12-145

ABOLFATH HOSSEINIOUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	965 Mission Street. Appealing the imposition of penalty on Nov. 06, 2012, for construction work done without a permit. APPLICATION NO. 2012/11/05/3563. FOR HEARING TODAY.
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(9) APPEAL NO. 12-101

SHUMEI FANG dba "CEO HEALTH CLUB INC.", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	130 Bush Street #601. Appealing a ninety (90) day suspension issued on August 14, 2012, of a Massage Establishment Permit. DIRECTOR'S CASE NO. MSG12-39. FOR HEARING TODAY.
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(10) APPEAL NO. 12-104

BASHIR SHAHIN dba "MARRAKECH MOROCCAN RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	419 O'Farrell Street. Appealing the thirty (30) day suspension of Tobacco Sales Permit, imposed on August 15, 2012. Reason for suspension: violation of State law and the San Francisco Health Code which prohibit the indoor smoking of tobacco products. DIRECTOR'S CASE NO. SMK12-09. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 4

(11) APPEAL NO. 12-142

2nd STREET MERCHANTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	150 California Street & 84 – 2nd Street. Protesting the issuance on Sept. 28, 2012, to Expresso Subito LLC, Mobile Food Facility Permit (sale of espresso drinks). PERMIT NO. 11MFF-0167. FOR REHEARING TODAY. Public Hearing held and closed on Nov. 14, 2012. At that time a motion to uphold the subject Mobile Food Facility (MFF) permit did not muster sufficient votes to pass and the permit was upheld by operation of law. On December 12, 2012 the Board voted 5-0 to grant the appellant's rehearing request and to set the rehearing for January 16, 2013.
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(12) APPEAL NO. 12-142

PAAWAN KOTHARI dba "THE CHAI CART", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	79 New Montgomery Street. Appealing the denial on Nov. 06, 2012, of Mobile Food Facility Permit (sale of hot Indian chai tea). APPLICATION NO. 12MFF-0083. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 11, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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SPECIAL NOTES

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REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 6

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

FEB 25 2013

MEETING MINUTES - WEDNESDAY, JANUARY 16, 2013

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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Darryl Honda and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping, (DPW BSM); Janine Young, Environmental Health Section, Department of Public Health (DPH); Sherri Sokeland Kaiser, Deputy City Attorney on behalf of DPH; Ed Walsh, Senior Environmental Health Inspector, DPH; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Arcelia Hurtado.

6/13 (1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to elevate Commissioner Lazarus to the office of Vice President. Upon further motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to elect President Hwang to another term as President.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 2

SPEAKERS: President Hwang announced that she was ill, stated she would stay at the meeting for as long as she was able, and asked that matters be heard as expeditiously as possible.

PUBLIC COMMENT: None.

(4) ADOPTION OF MINUTES:

Discussion and possible adoption of the January 09, 2013 minutes.

ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Hurtado absent) to adopt the January 09, 2013 minutes.

PUBLIC COMMENT: None.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUESTS:

Subject property at 404 Jersey Street. Letter from Bill Pashelinsky, requestor, asking that the Board take jurisdiction over the denial on Aug. 14, 2012 of Rear Yard Variance (Case No. 2012.0173V) and the denial on Sept. 05, 2012 of BPA No. 2011/12/15/0758. The appeal periods ended on Aug. 24, 2012 and Sept. 20, 2012, respectively, and the jurisdiction requests were filed at the Board office on Oct. 31, 2012. Rear Yard Variance: to construct a 10-foot wide curb cut and off-street parking pad located within an open area which qualifies as the required rear yard. Building Permit Application: convert existing concrete slab into parking pad with new gate and curb cut.
--

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the jurisdiction requests.

SPEAKERS: Bill Pashelinsky, requestor; Bart Murphy, subject property owner; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 3

ITEMS (6A), (6B), (6C) & (6D) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-105

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. PUBLIC HEARINGS HELD ON OCT. 17, 2012 AND DECEMBER 12, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matters continued to allow time for the permit holder to submit Code compliant revised plans.
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(6B) APPEAL NO. 12-106

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM 6A.
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(6C) APPEAL NO. 12-107

DENNIS STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. SEE NOTE IN ITEM 6A.
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(6D) APPEAL NO. 12-108

DENNIS STEWART Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM 6A.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeals, uphold the demolition permit, and uphold the permit to erect a building on the condition that it be revised to reflect the plans submitted by the permit holder to the Board on January 10, 2013.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 4

SPEAKERS: Lucien Blazej, agent for permit holder; Dennis Stewart, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-141

GRACE WU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	42 Lapham Way. Appealing the imposition of penalty on Nov. 13, 2012, for construction work done without a permit. APPLICATION NO. 2012/11/13/4113. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal and reduce the penalty to two-times the permit fee.

SPEAKERS: Grace Wu, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-145

ABOLFATH HOSSEINIOUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	965 Mission Street. Appealing the imposition of penalty on Nov. 06, 2012, for construction work done without a permit. APPLICATION NO. 2012/11/05/3563. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to reschedule this matter to February 13, 2013 at the request of the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 12-101

SHUMEI FANG dba "CEO HEALTH CLUB INC.", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	130 Bush Street #601. Appealing a ninety (90) day suspension issued on August 14, 2012, of a Massage Establishment Permit. DIRECTOR'S CASE NO. MSG12-39. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 5

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal and reduce the suspension to sixty (60) days based on questions raised by the appellant regarding the DPH Director's Hearing process.

SPEAKERS: Paul Horcher, attorney for appellant; Sherri Sokeland Kaiser, attorney for DPH; Ed Walsh, DPH.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-104

BASHIR SHAHIN dba "MARRAKECH MOROCCAN RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	419 O'Farrell Street. Appealing the thirty (30) day suspension of Tobacco Sales Permit, imposed on August 15, 2012. Reason for suspension: violation of State law and the San Francisco Health Code which prohibit the indoor smoking of tobacco products. DIRECTOR'S CASE NO. SMK12-09. FOR HEARING TODAY.
--	--

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the suspension on the basis of the factual record provided.

SPEAKERS: Bashir Shahin, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

(11) APPEAL NO. 12-142

2nd STREET MERCHANTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	150 California Street & 84 – 2nd Street. Protesting the issuance on Sept. 28, 2012, to Espresso Subito LLC, Mobile Food Facility Permit (sale of espresso drinks). PERMIT NO. 11MFF-0167. FOR REHEARING TODAY. Public Hearing held and closed on Nov. 14, 2012. At that time a motion to uphold the subject Mobile Food Facility (MFF) permit did not muster sufficient votes to pass and the permit was upheld by operation of law. On December 12, 2012 the Board voted 5-0 to grant the appellant's rehearing request and to set the rehearing for January 16, 2013.
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REGULAR MEETING, BOARD OF APPEALS, JANUARY 16, 2013 - PAGE 6

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to continue the appeal to March 20, 2013 to allow Commissioner Hurtado to participate in the vote.

SPEAKERS: Charlie Yu, attorney for appellant; Alison Rowe, agent for appellant; Jim Patrick, agent for appellant; Maritssa Lopez, agent for appellant; Deb Sellers, agent for appellant; Gary Goldstein, permit holder; Deborah Kartiganer, attorney for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Ken Cleaveland, John Gasser, Derrik Soares, Tom Struttman, Bonnie Stuppin, Liane Quan, Karen Smith, Patricia Vaughey and Troy Campbell spoke in support of the appellant. Jeff Nalle, Lynn Pearson, Robert Buchbinder, Ken Mullen, Khaled Ramadan, Robin Gross, Scott Kronenberg, Nigel Hall, Mathew Martenyi, David McClure, Alexis Harte, Sandra Wieder, Michael Goldstein, Ken Rosen, John Newton, Marlene Weinstein, Joseph Ferguson and Walter Caplan spoke in support of the permit holder.

(12) APPEAL NO. 12-142

PAAWAN KOTHARI dba "THE CHAI CART", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	79 New Montgomery Street. Appealing the denial on Nov. 06, 2012, of Mobile Food Facility Permit (sale of hot Indian chai tea). APPLICATION NO. 12MFF-0083. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the denial of the permit on the basis of the department's analysis.

SPEAKERS: The appellant did not appear; John Kwong, DPW BSM.

PUBLIC COMMENT: Alison Rowe and Jim Patrick spoke in support of the department.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:30 p.m.

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Today

Pacheco, Victor 11:49 AM

PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, January 18, 2013 11:49 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for Jan. 23, 2013. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 30, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Jan. 17, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 30, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 16, 2013 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUESTS:**

Subject property at 68 Presidio Avenue. Letter from Steven Greenwald & Rochelle Alpert, requestors, asking that the Board take jurisdiction over the issuance on October 28, 2011, March 5, 2012 and April 12, 2012 of BPA Nos. 2011/10/14/6891, 2012/01/18/2486 and 2012/03/23/6788, respectively. The appeal periods ended on November 14, 2011, March 20, 2012 and April 27, 2012, respectively, and the jurisdiction requests were filed at the Board office on December 21, 2012. **Project, Permit #1:** remove and replace existing sheetrock at all floors; removal to be limited to 50% of each floor and shall not trigger substantial change per SFBC 3404.7; replace existing sheetrock with 5/8" type x property lines; no structural work. **Project, Permit #2:** remodel kitchen and four existing bathrooms; add one bathroom; provide new windows and miscellaneous interior improvements and new elevator. **Project, Permit #3:** revision to permit #2012/01/18/2486, expand existing garage and extend stair and elevator to garage level; add 1 bedroom and bath.

(5) APPEAL NO. 12-146

MARY AMIL dba "SAN FRANCISCO PALM READER", Appellant(s) vs. POLICE DEPARTMENT, Respondent	247 Columbus Avenue. Appealing the denial on Nov. 15, 2012, of a Fortuneteller Permit. FOR HEARING TODAY.
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(6) APPEAL NO. 12-150

ALLA BENHAMIMI dba "ALCATRAZ MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	757 Beach Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Nov. 14, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. SMK-1238. FOR HEARING TODAY.
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ITEMS 7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 12-121

HON YUK CHEUNG & BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on Sept. 13, 2012, to Xiang Si Lei, Permit to Alter a Building (revision to BPA No. 2012/08/13/7241; relocate bathrooms at 3 rd floor; add new dormers and skylight and re-roofing; replace window at 3 rd floor at front in-kind). APPLICATION NO. 2012/09/13/9649. FOR HEARING TODAY.
--	---

(7B) APPEAL NO. 12-165

BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on December 06, 2012, to Xiang Si Lei, Permit to Alter a Building (comply with Complaint #201251821 and #201268284; revision to approved BPA #201208137241 and 201208066584; show existing floor plans to reflect existing condition; new windows at front and rear; rebuilt existing rear deck and stair; remove deck at rear of 3 rd floor; remove interior stair at ground floor; replace fence and scupper and rain water leader at rear; infill open storage under existing 2 nd floor habitable area; revised foundation plan to reflect existing site and building condition). APPLICATION NO. 2012/10/25/2814. FOR HEARING TODAY.
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(8) APPEAL NO. V12-148

ALICE LAM, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2529-2533 Post Street. Protesting the granting on Nov. 15, 2012, to Kevin Weil & Christopher Dougherty, Rear Yard & Non-Complying Structure Variances (removal and replacement of existing decks and exit stairs at the rear of the three-story, three-family dwelling). VARIANCE CASE NO. 2012.0395V. FOR HEARING TODAY.
--	--

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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REGULAR MEETING, BOARD OF APPEALS, JANUARY 30, 2013 - PAGE 5

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 30, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

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cancelled*

******* MEETING CANCELLED *******

All matters on the previously issued agenda for Jan. 30, 2013 will be rescheduled to various dates in the near future. For more information, please call the Board office at 415-575-6880.

Date posted: **January 25, 2013**

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Today

- Pacheco, ... 12:1...** PUBLIC NOTICE
- Mark Mor... 12:0...**
- February 5, 2013 H...
- SFPD.Co... 11:2...**
- Feb 6 2013 Police C...

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, February 01, 2013 12:17 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for Feb. 06, 2013. The next regular meeting is scheduled for **WEDNESDAY, FEBRUARY 13, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Feb. 01, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 13, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

3/13 (2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 16, 2013 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **JURISDICTION REQUEST:**

Subject property at 669 San Jose Avenue. Letter from Vassiliki Moulas, requestor, asking that the Board take jurisdiction over BPA No. 2012/08/30/8686, which was issued on August 30, 2012. The appeal period ended on Sept. 04, 2012, and the jurisdiction request was filed at the Board office on Jan. 17, 2013. Permit Holder: Vassiliki Moulas. Project: comply with NOV No. 201077532; remove illegal unit at ground floor rear garage.

(4b) **REHEARING REQUEST:**

Subject property at 800 Brotherhood Way. Letter from Quentin Kopp, co-appellant, requesting rehearing of Appeal No. 12-140, Kopp, L.A.I.C. et al. vs. ZA, decided Jan. 09, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to uphold the subject Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion. Determination Holder: RCS Brotherhood Way LLC. LOD: that the Conditional Use authorization under Planning Commission Motion No. 17022 for a residential Planned Unit Development with up to 182 dwelling units at the subject property, which was approved on May 19, 2005, is still valid.

(4c) REHEARING REQUEST:

Subject property at 79 New Montgomery Street. Letter from Paawan Kothari, appellant, requesting rehearing of Appeal No. 12-142, "The Chai Cart" vs. DPW BSM, decided Jan. 16, 2013. At that time, the Board voted 4-0-1 (Commissioner Hurtado absent) to uphold the denial of the subject Mobile Food Facility Permit on the basis of the DPW's analysis. Project: sale of hot Indian chai tea; Application No. 12MFF-0083.

(4d) JURISDICTION REQUESTS:

Subject property at 68 Presidio Avenue. Letter from Steven Greenwald & Rochelle Alpert, requestors, asking that the Board take jurisdiction over the issuance on October 28, 2011, March 5, 2012 and April 12, 2012 of BPA Nos. 2011/10/14/6891, 2012/01/18/2486 and 2012/03/23/6788, respectively. The appeal periods ended on November 14, 2011, March 20, 2012 and April 27, 2012, respectively, and the jurisdiction requests were filed at the Board office on December 21, 2012. **Project, Permit #1:** remove and replace existing sheetrock at all floors; removal to be limited to 50% of each floor and shall not trigger substantial change per SFBC 3404.7; replace existing sheetrock with 5/8" type x property lines; no structural work. **Project, Permit #2:** remodel kitchen and four existing bathrooms; add one bathroom; provide new windows and miscellaneous interior improvements and new elevator. **Project, Permit #3:** revision to permit #2012/01/18/2486, expand existing garage and extend stair and elevator to garage level; add 1 bedroom and bath.

(5) APPEAL NO. 12-146

MARY AMIL dba "SAN FRANCISCO PALM READER", Appellant(s) vs. POLICE DEPARTMENT, Respondent	247 Columbus Avenue. Appealing the denial on Nov. 15, 2012, of a Fortuneteller Permit. FOR HEARING TODAY.
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(6) APPEAL NO. 12-157

MARIA YUHAS, Appellant vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS & ACCESSIBLE SERVICES, Respondent	Appealing the imposition on November 23, 2012, of a ninety (90) day suspension on Ramp Taxi Medallion No. 9038. FOR HEARING TODAY.
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(7) APPEAL NO. 12-145

ABOLFATH HOSSEINIOUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	965 Mission Street. Appealing the imposition of penalty on Nov. 06, 2012, for construction work done without a permit. APPLICATION NO. 2012/11/05/3563. FOR HEARING TODAY.
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(8) APPEAL NO. 12-151

465 – 10 TH STREET CONDOMINIUM HOA, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	264 Dore Street. Protesting the issuance on Nov. 19, 2012, to Daniel Kennedy, Permit to Erect a Building (two-story, auto-repair garage building with 1,997.5sf of ground floor area). APPLICATION NO. 2012/01/27/3062S. FOR HEARING TODAY.
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(9) APPEAL NO. V12-154

DAVID CAO, Appellant vs. ZONING ADMINISTRATOR, Respondent	209 Prentiss Street and 1201 Cortland Street. Appealing the conditions placed on Lot Area, Rear Yard, Mass Reduction and Parking Variances, which were granted on November 28, 2012 (adjust existing lot line and construct new single-family dwelling on resulting new vacant lot). VARIANCE CASE NO. 2011.0793V. FOR HEARING TODAY.
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ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) APPEAL NO. 12-155

STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the issuance on November 20, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; expand existing roof terrace; new window at top floor family room #2; replace existing single glazed windows with new wood double glazed windows; repair stucco with integral colored stucco). APPLICATION NO. 2012/10/11/1876. FOR HEARING TODAY.
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(10B) APPEAL NO. 12-156

STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the issuance on November 26, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; remove existing walls at 2 nd floor and new roofing). APPLICATION NO. 2012/11/20/4610. FOR HEARING TODAY.
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(11) ADOPTION OF BUDGET:

Discussion and possible adoption of the departmental budget for fiscal year 2013-2014.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 08, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 13, 2013 - PAGE 7

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

FEB 25 2013

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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MEETING MINUTES - WEDNESDAY, FEBRUARY 13, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Dan Sider, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Jarvis Murray, Municipal Transportation Agency Division of Taxis and Accessible Services (MTA DTAS); Captain Mark Osuna, San Francisco Police Department Permit Bureau (SFPD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

13 ABSENT: Vice President Ann Lazarus.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Fung announced that he will be absent from the March 6, 2013 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the January 16, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to adopt the January 16, 2013 minutes.

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 13, 2013 - PAGE 2

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 669 San Jose Avenue. Letter from Vassiliki Moulas, requestor, asking that the Board take jurisdiction over BPA No. 2012/08/30/8686, which was issued on August 30, 2012. The appeal period ended on Sept. 04, 2012, and the jurisdiction request was filed at the Board office on Jan. 17, 2013. Permit Holder: Vassiliki Moulas. Project: comply with NOV No. 201077532; remove illegal unit at ground floor rear garage

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the jurisdiction request.

SPEAKERS: Vassiliki Moulas, requestor; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(4b) REHEARING REQUEST:

Subject property at 800 Brotherhood Way. Letter from Quentin Kopp, co-appellant, requesting rehearing of Appeal No. 12-140, Kopp, L.A.I.C. et al. vs. ZA, decided Jan. 09, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to uphold the subject Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion. Determination Holder: RCS Brotherhood Way LLC. LOD: that the Conditional Use authorization under Planning Commission Motion No. 17022 for a residential Planned Unit Development with up to 182 dwelling units at the subject property, which was approved on May 19, 2005, is still valid.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to deny the request.

SPEAKERS: Quentin Kopp, requestor; Steve Vettel, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Terence Faulkner, Julian Lagos and Cathy Lentz spoke in support of the requestors.

(4c) REHEARING REQUEST:

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 13, 2013 - PAGE 3

Subject property at 79 New Montgomery Street. Letter from Paawan Kothari, appellant, requesting rehearing of Appeal No. 12-142, "The Chai Cart" vs. DPW BSM, decided Jan. 16, 2013. At that time, the Board voted 4-0-1 (Commissioner Hurtado absent) to uphold the denial of the subject Mobile Food Facility Permit on the basis of the DPW's analysis. Project: sale of hot Indian chai tea; Application No. 12MFF-0083.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the request and rehear the appeal on April 10, 2013.

SPEAKERS: Paawan Kothari, requestor; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(4d) JURISDICTION REQUESTS:

Subject property at 68 Presidio Avenue. Letter from Steven Greenwald & Rochelle Alpert, requestors, asking that the Board take jurisdiction over the issuance on October 28, 2011, March 5, 2012 and April 12, 2012 of BPA Nos. 2011/10/14/6891, 2012/01/18/2486 and 2012/03/23/6788, respectively. The appeal periods ended on November 14, 2011, March 20, 2012 and April 27, 2012, respectively, and the jurisdiction requests were filed at the Board office on December 21, 2012. **Project, Permit #1:** remove and replace existing sheetrock at all floors; removal to be limited to 50% of each floor and shall not trigger substantial change per SFBC 3404.7; replace existing sheetrock with 5/8" type x property lines; no structural work. **Project, Permit #2:** remodel kitchen and four existing bathrooms; add one bathroom; provide new windows and miscellaneous interior improvements and new elevator. **Project, Permit #3:** revision to permit #2012/01/18/2486, expand existing garage and extend stair and elevator to garage level; add 1 bedroom and bath.

ACTION: Upon motion by President Hwang, the Board voted 2-2-1 (Commissioners Fung and Honda dissented, Vice President Lazarus absent) to grant the requests on the basis of the City's failure to request plans that sufficiently articulate the project. Lacking the four votes needed to pass, the motion failed. Upon further motion by President Hwang the Board voted 2-2-1 (Commissioners Fung and Honda dissented, Vice President Lazarus absent) to continue the requests to March 20, 2013. Lacking the three votes needed to pass, the motion failed. There being no further motion made, the requests were denied by operation of law.

SPEAKERS: Alice Barkley, attorney for requestors; Denis Shanagher, attorney for requestors; Brian Soriano, attorney for permit holders, Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-146

MARY AMIL dba "SAN FRANCISCO PALM READER", Appellant(s) vs. POLICE DEPARTMENT, Respondent	247 Columbus Avenue. Appealing the denial on Nov. 15, 2012, of a Fortuneteller Permit. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal, overturn the department and issue the permit on the basis that the medical marijuana identification card issued by the State of California satisfies the identification requirement of Police Code §1304.

SPEAKERS: Barry Fisher, attorney for appellant; Captain Mark Osuna, SFPD.

PUBLIC COMMENT: Aaron Peskin spoke in support of the appellant.

(6) APPEAL NO. 12-157

MARIA YUHAS, Appellant vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS & ACCESSIBLE SERVICES, Respondent	Appealing the imposition on November 23, 2012, of a ninety (90) day suspension on Ramp Taxi Medallion No. 9038. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal and reduce the suspension to 45 days, on the basis stated in the MTA brief.

SPEAKERS: Jacob Mayzel, agent for appellant; Jarvis Murray, MTA DTAS.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-145

ABOLFATH HOSSEINIOUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	965 Mission Street. Appealing the imposition of penalty on Nov. 06, 2012, for construction work done without a permit. APPLICATION NO. 2012/11/05/3563. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 13, 2013 - PAGE 5

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal and reduce the penalty to five (5) times the permit fee.

SPEAKERS: Abolfath Hosseinoum, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-151

465 – 10 TH STREET CONDOMINIUM HOA, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	264 Dore Street. Protesting the issuance on Nov. 19, 2012, to Daniel Kennedy, Permit to Erect a Building (two- story, auto-repair garage building with 1,997.5sf of ground floor area). APPLICATION NO. 2012/01/27/3062S. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Lazarus absent) to deny the appeal and uphold the permit on the basis of the Zoning Administrator's testimony at the hearing.

SPEAKERS: Steven Williams, attorney for appellant; Nicholas Palter, agent for permit holder; Daniel Kennedy, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Adam Holcomb spoke in support of the appellant.

(9) APPEAL NO. V12-154

DAVID CAO, Appellant vs. ZONING ADMINISTRATOR, Respondent	209 Prentiss Street and 1201 Cortland Street. Appealing the conditions placed on Lot Area, Rear Yard, Mass Reduction and Parking Variances, which were granted on November 28, 2012 (adjust existing lot line and construct new single-family dwelling on resulting new vacant lot). VARIANCE CASE NO. 2011.0793V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to deny the appeal and uphold the Zoning Administrator on the basis that the Mass Reduction calculations are correct and no hardship exists.

SPEAKERS: Winnie Tam, agent for the appellant; Dan Sider, ZA.

PUBLIC COMMENT: None.

ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10a) APPEAL NO. 12-155

STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the issuance on November 20, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; expand existing roof terrace; new window at top floor family room #2; replace existing single glazed windows with new wood double glazed windows; repair stucco with integral colored stucco). APPLICATION NO. 2012/10/11/1876. FOR HEARING TODAY.
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(10b) APPEAL NO. 12-156

STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the issuance on November 26, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; remove existing walls at 2 nd floor and new roofing). APPLICATION NO. 2012/11/20/4610. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to continue Appeal No. 12-155 to February 20, 2013, to allow time for the submittal of revised plans, and to allow DBI to accept a new permit application. Appeal No. 12-156 was withdrawn at hearing.

SPEAKERS: Scott Sanchez, ZA; Alice Barkley, attorney for appellants; Brian Soriano, attorney for permit holders.

PUBLIC COMMENT: None.

(11) ADOPTION OF BUDGET:

Discussion and possible adoption of the departmental budget for fiscal years 2013-2014 and 2014-2015.

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 13, 2013 - PAGE 7

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to adopt the fiscal year 2013-2014 and fiscal year 2014-2015 budget proposals.

SPEAKERS: Executive Director Goldstein provided the Board with an update on the current year budget and presented budget proposals for the next two fiscal years.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:55 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 20, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the February 13, 2013 minutes.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 2065 Oakdale Avenue. Letter from Daniel Dodt, agent for Bay View Office for Community Planning, appellant, requesting rehearing of Appeal No. 12-130, B.V.O.C.P. vs. DBI, PDA, decided Jan. 09, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to grant the appeal and uphold the permit on the basis of the permit holder's agreement to send out neighborhood notification on all permit applications submitted during the next five years excluding permits needed to correct existing Notices of Violation against the property; said notification shall conform to the notice requirements imposed by DBI on Form 6 Building Demolition Permits; and lastly, the suspension of this permit shall not be lifted until the permit holder provides the appellant and DBI with soils testing results that have been prepared by a certified professional soils testing laboratory. **Permit Holder:** Jack Tsang. **Project:** remove deteriorated vacant warehouse building; existing main building to remain; BPA No. 2012/10/09/1608.

(5) APPEAL NO. 12-155

STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the issuance on November 20, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; expand existing roof terrace; new window at top floor family room #2; replace existing single glazed windows with new wood double glazed windows; repair stucco with integral colored stucco). APPLICATION NO. 2012/10/11/1876. FOR HEARING TODAY.
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ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-121

HON YUK CHEUNG & BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on Sept. 13, 2012, to Xiang Si Lei, Permit to Alter a Building (revision to BPA No. 2012/08/13/7241; relocate bathrooms at 3 rd floor; add new dormers and skylight and re-roofing; replace window at 3 rd floor at front in-kind). APPLICATION NO. 2012/09/13/9649. FOR HEARING TODAY.
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(6B) APPEAL NO. 12-165

BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on December 06, 2012, to Xiang Si Lei, Permit to Alter a Building (comply with Complaint #201251821 and #201268284; revision to approved BPA #201208137241 and 201208066584; show existing floor plans to reflect existing condition; new windows at front and rear; rebuilt existing rear deck and stair; remove deck at rear of 3 rd floor; remove interior stair at ground floor; replace fence and scupper and rain water leader at rear; infill open storage under existing 2 nd floor habitable area; revised foundation plan to reflect existing site and building condition). APPLICATION NO. 2012/10/25/2814. FOR HEARING TODAY.
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(7) APPEAL NO. V12-148

ALICE LAM, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2529-2533 Post Street. Protesting the granting on Nov. 15, 2012, to Kevin Weil & Christopher Dougherty, Rear Yard & Non-Complying Structure Variances (removal and replacement of existing decks and exit stairs at the rear of the three-story, three-family dwelling). VARIANCE CASE NO. 2012.0395V. FOR HEARING TODAY.
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ITEMS (8A), (8B), (8C) and (8D) SHALL BE HEARD TOGETHER

(8A) APPEAL NO. 12-158

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance). APPLICATION NO. 2012/12/04/5434. FOR HEARING TODAY.
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(8B) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. FOR HEARING TODAY.
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(8C) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. FOR HEARING TODAY.
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(8D) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. FOR HEARING TODAY.
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ITEMS (9A), (9B) and (9C) SHALL BE HEARD TOGETHER

(9A) APPEAL NO. 12-161

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	227 Douglass Street. Appealing the issuance on December 07, 2012, to Tank Mehul, Permit to Alter a Building (voluntary removal of kitchens (levels 1 & 3); revert level 1 to utility room permit #8011207 with washer/dryer; level 3 wet bar). APPLICATION NO. 2012/09/06/9064. FOR HEARING TODAY.
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(9B) APPEAL NO. 12-162

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227 Douglass Street. Appealing the issuance on December 07, 2012, to Tank Mehul, Electrical Permit (remove unapproved kitchens on floors 1 & 3 and restore property to SFD; add laundry to 1 st floor and wet bar to 3 rd floor). APPLICATION NO. E2012/12/07/7118. FOR HEARING TODAY.
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(9C) APPEAL NO. 12-163

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227 Douglass Street. Appealing the issuance on December 07, 2012, to Tank Mehul, Plumbing Permit (remove unapproved kitchens on floors 1 & 3 and restore property to SFD; add laundry to 1 st floor and wet bar to 3 rd floor). APPLICATION NO. PP2012/12/07/644. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 15, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting

room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-

575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 20, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Arcelia Hurtado.

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p. 13 (1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the February 13, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to adopt the February 13, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) ADDENDUM ITEMS

(4a) REHEARING REQUEST

Subject property at 2065 Oakdale Avenue. Letter from Daniel Dodt, agent for Bay View Office for Community Planning, appellant, requesting rehearing of Appeal No. 12-130, B.V.O.C.P. vs. DBI, PDA, decided Jan. 09, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to grant the appeal and uphold the permit on the basis of the permit holder's agreement to send out neighborhood notification on all permit applications submitted during the next five years excluding permits needed to correct existing Notices of Violation against the property; said notification shall conform to the notice requirements imposed by DBI on Form 6 Building Demolition Permits; and lastly, the suspension of this permit shall not be lifted until the permit holder provides the appellant and DBI with soils testing results that have been prepared by a certified professional soils testing laboratory. **Permit Holder:** Jack Tsang. **Project:** remove deteriorated vacant warehouse building; existing main building to remain; BPA No. 2012/10/09/1608.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the request and rehear the appeal on April 10, 2013, based on new material facts presented.

SPEAKERS: Daniel Dodt, requestor; Patrick Buscovich, agent for permit holder; David Silverman, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Earl Shaddix, Robert Davis, Michael Hamman, Joe Boss and Clincy Latimer spoke in support of the requestor.

(5) APPEAL NO. 12-155

STEVEN GREENWALD & ROCHELLE ALPERT, Appellants vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the issuance on November 20, 2012, to Jennifer Chow and Steve Minisini, Permit to Alter a Building (revision to BPA No. 201201182486; expand existing roof terrace; new window at top floor family room #2; replace existing single glazed windows with new wood double glazed windows; repair stucco with integral colored stucco). APPLICATION NO. 2012/10/11/1876. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal and deny the permit on the basis that (1) it is not Code compliant; and (2) the one year bar to reapplication not apply due to definite existing conditions that may be remedied.

SPEAKERS: Alice Barkley, attorney for appellants; Brian Soriano, attorney for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6a) APPEAL NO. 12-121

HON YUK CHEUNG & BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on Sept. 13, 2012, to Xiang Si Lei, Permit to Alter a Building (revision to BPA No. 2012/08/13/7241; relocate bathrooms at 3 rd floor; add new dormers and skylight and re-roofing; replace window at 3 rd floor at front in-kind). APPLICATION NO. 2012/09/13/9649. FOR HEARING TODAY.
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(6b) APPEAL NO. 12-165

BIK KWUN LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	28 Meda Avenue. Protesting the issuance on December 06, 2012, to Xiang Si Lei, Permit to Alter a Building (comply with Complaint #201251821 and #201268284; revision to approved BPA #201208137241 and 201208066584; show existing floor plans to reflect existing condition; new windows at front and rear; rebuilt existing rear deck and stair; remove deck at rear of 3 rd floor; remove interior stair at ground floor; replace fence and scupper and rain water leader at rear; infill open storage under existing 2 nd floor habitable area; revised foundation plan to reflect existing site and building condition). APPLICATION NO. 2012/10/25/2814. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to uphold the subject permit in Appeal No. 12-121 and revise the subject permit in Appeal No. 12-165 on the basis of the revised drawings submitted at the February 20, 2013 hearing, and with the following conditions: (1) the fence between the permit holder's and appellants' properties will be replaced and will be similar to the prior existing chain link fence; (2) the water leader will tie into the permit holder's sewer line only; (3) the exterior door at the third floor will be replaced with a Code compliant egress window; (4) the structural inspection report will be provided to all parties; and (5) the deck will be set back three feet from appellants' property line.

SPEAKERS: Jennifer Cheung, agent for appellants, Hon Yuk Cheung, appellant; Gabriel Ng, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: John Katz and David Hooper spoke in support of the appellants.

(7) APPEAL NO. V12-148

ALICE LAM, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2529-2533 Post Street. Protesting the granting on Nov. 15, 2012, to Kevin Weil & Christopher Dougherty, Rear Yard & Non-Complying Structure Variances (removal and replacement of existing decks and exit stairs at the rear of the three-story, three-family dwelling). VARIANCE CASE NO. 2012.0395V. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Commissioner Hurado absent) to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Steven Williams, attorney for appellant; Andrew Morrall, agent for permit holder; Kevin Weil, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (8a) (8b) (8c) and (8d) SHALL BE HEARD TOGETHER:

(8a) APPEAL NO. 12-158

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance). APPLICATION NO. 2012/12/04/5434. FOR HEARING TODAY.
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(8b) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 20, 2013 - PAGE 5

(8c) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. FOR HEARING TODAY.
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(8d) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurado absent) to continue these appeals to April 17, 2013, to allow for additional briefing of up to five pages in length focused on whether the business to be operated by the proposed lessee conforms to the definition of "financial services" in the Planning Code.

SPEAKERS: Steven Williams, attorney for appellant; Brett Gladstone, attorney for permit holder; Howard Weston, permit holder; Melissa Vancrum, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (9a) (9b) and (9c) SHALL BE HEARD TOGETHER:

(9a) APPEAL NO. 12-161

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	227 Douglass Street. Appealing the issuance on December 07, 2012, to Mehul Tank, Permit to Alter a Building (voluntary removal of kitchens (levels 1 & 3); revert level 1 to utility room permit #8011207 with washer/dryer; level 3 wet bar). APPLICATION NO. 2012/09/06/9064. FOR HEARING TODAY.
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(9b) APPEAL NO. 12-162

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227 Douglass Street. Appealing the issuance on December 07, 2012, to Mehul Tank, Electrical Permit (remove unapproved kitchens on floors 1 & 3 and restore property to SFD; add laundry to 1 st floor and wet bar to 3 rd floor). APPLICATION NO. E2012/12/07/7118. FOR HEARING TODAY
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(9c) APPEAL NO. 12-163

RALPH HYMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227 Douglass Street. Appealing the issuance on December 07, 2012, to Mehul Tank, Plumbing Permit (remove unapproved kitchens on floors 1 & 3 and restore property to SFD; add laundry to 1 st floor and wet bar to 3 rd floor). APPLICATION NO. PP2012/12/07/644. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (President Hwang and Commissioner Honda dissented and Commissioner Hurado absent) to deny the appeals and uphold the permits on the basis of the 1949 Certificate of Final Completion. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permits are upheld by operation of law.

SPEAKERS: Kavita Sharma, attorney for appellant; Ralph Hyman, appellant; Brett Gladstone, attorney for appellant; Andrew Zacks, attorney for permit holder; Mehul Tank, permit holder; Patrick Buscovich, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 11:05 p.m.

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Today

Pacheco, Victor 11:28 AM Public Notice

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, February 22, 2013 11:27 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for Feb. 27, 2013. The next regular meeting is scheduled for **WEDNESDAY, MARCH 06, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Feb. 22, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 06, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the February 20, 2013 minutes.

(4) **APPEAL NO. 12-150**

ALLA BENHAMIMI
dba "ALCATRAZ MARKET", Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

757 Beach Street.
Appealing a twenty-five (25) day suspension
of a Tobacco Product Sales Permit, imposed
on Nov. 14, 2012. Reason(s) for suspension:
selling tobacco products to minors.
DIRECTOR'S CASE NO. SMK-1238.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, MARCH 06, 2013 - PAGE 2

(5) APPEAL NO. 12-109

RICHARD WINER & MARY MARZOTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	483 Guerrero Street. Protesting the issuance on August 28, 2012, to Kamal Barbhuya, Permit to Alter a Building (add hood to approved coffee shop/limited restaurant; maximum 15 seats). APPLICATION NO. 2012/05/24/1175. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the permit holder to prepare Code-complying plans and for DBI and Planning to conduct research on change of use.
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ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-169

TERENCE MALLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1244 Treat Avenue. Protesting the issuance on Dec. 12, 2012, to Peggy Mangot, Permit to Alter a Building (replace foundations; create internal stair from 1st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit). APPLICATION NO. 2012/09/12/9516. FOR HEARING TODAY.
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(6B) APPEAL NO. 12-170

DONG HUA SU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1244 Treat Avenue. Protesting the issuance on Dec. 12, 2012, to Peggy Mangot, Permit to Alter a Building (replace foundations; create internal stair from 1st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit). APPLICATION NO. 2012/09/12/9516. FOR HEARING TODAY.
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(7) APPEAL NO. 12-171

MATTHEW & KRISTINE LEFFERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	611 Buena Vista West Avenue. Protesting the issuance on Dec. 13, 2012, to Martin Roscheisen, Permit to Alter a Building (one-story vertical addition to existing two- story residence; roof of 3 rd story addition will include green roof; project will have a basement addition). APPLICATION NO. 2011/05/04/5332S. FOR HEARING TODAY.
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(8) APPEAL NO. 13-001

GERALDINE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1041 Shrader Street. Protesting the issuance on Dec. 20, 2012, to Laura & Dave Brown, Permit to Alter a Building (add crickets to rear of house for proper roof drainage). APPLICATION NO. 2012/12/20/6664. FOR HEARING TODAY.
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(9) APPEAL NO. 13-002

TSE FAMILY TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2015 Stockton Street. Appealing the denial on Dec. 27, 2012, of Permit to Alter a Building (comply with NOV No. 200907902; install total of 38 vinyl double-hung windows to front and rear of building). APPLICATION NO. 2012/06/22/3228. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **March 01, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 6, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Arcelia Hurtado and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Janine Young, Environmental Health Section, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Frank Fung.

(1) PUBLIC COMMENT

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SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Lazarus announced that she will leave the April 24, 2013 meeting at 6:30 p.m.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 20, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the February 20, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, MARCH 6, 2013 - PAGE 2

(4) APPEAL NO. 12-150

ALLA BENHAMIMI dba "ALCATRAZ MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	757 Beach Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Nov. 14, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. SMK-1238. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 2-2-1 (Vice President Lazarus and Commissioner Honda dissented and Commissioner Fung absent) to deny the appeal and uphold the twenty five (25) day suspension. Lacking the three votes needed to pass, the motion failed. With no further motion made, the suspension is upheld by operation of law.

SPEAKERS: Alla Benhamimi, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-109

RICHARD WINER & MARY MARZOTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	483 Guerrero Street. Protesting the issuance on August 28, 2012, to Kamal Barbhuya, Permit to Alter a Building (add hood to approved coffee shop/limited restaurant; maximum 15 seats). APPLICATION NO. 2012/05/24/1175. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the permit holder to prepare Code-complying plans and for DBI and Planning to conduct research on change of use.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and revoke the permit on the basis that there are no Code compliant plans.

SPEAKERS: Ahmad Larizadeh, agent for permit holder; Ryan Patterson, attorney for appellants; Richard Winer, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: Shirley Johnson and Charles Cagnon spoke in support of the appellants. Bruce Lyons spoke in support of the permit holder.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6a) APPEAL NO. 12-169

REGULAR MEETING, BOARD OF APPEALS, MARCH 6, 2013 - PAGE 3

TERENCE MALLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1244 Treat Avenue. Protesting the issuance on Dec. 12, 2012, to Peggy Mangot, Permit to Alter a Building (replace foundations; create internal stair from 1 st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit). APPLICATION NO. 2012/09/12/9516. FOR HEARING TODAY.
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(6b) APPEAL NO. 12-170

DONG HUA SU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1244 Treat Avenue. Protesting the issuance on Dec. 12, 2012, to Peggy Mangot, Permit to Alter a Building (replace foundations; create internal stair from 1 st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit). APPLICATION NO. 2012/09/12/9516. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeals uphold the permit on the basis that the permit was properly issued.

SPEAKERS: Terence Malley, appellant; Doug Hua Su, appellant; Edmond Sum, agent for appellant; Peggy Mangot, permit holder; Troy Kashanipour, agent for permit holder; Eugene Brolly, agent for permit holder; Joe Igber, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Paul Tyree-Francis spoke in support of the appellants.

(7) APPEAL NO. 12-171

MATTHEW & KRISTINE LEFFERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	611 Buena Vista West Avenue. Protesting the issuance on Dec. 13, 2012, to Martin Roscheisen, Permit to Alter a Building (one-story vertical addition to existing two-story residence; roof of 3 rd story addition will include green roof; project will have a basement addition). APPLICATION NO. 2011/05/04/5332S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to reschedule the hearing to May 8, 2013, and to allow both parties to submit briefs in conformance with the regular briefing schedule.

REGULAR MEETING, BOARD OF APPEALS, MARCH 6, 2013 - PAGE 4

SPEAKERS: Susan Brandt-Hawley, attorney for appellants; Tracy Boxer Zill, attorney for permit holder.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-001

GERALDINE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1041 Shrader Street. Protesting the issuance on Dec. 20, 2012, to Laura & Dave Brown, Permit to Alter a Building (add crickets to rear of house for proper roof drainage). APPLICATION NO. 2012/12/20/6664. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Fung absent) to continue the hearing to March 20, 2013, to allow time for the permit holder to submit the approve plans.

SPEAKERS: Ryan Patterson, attorney for appellant; Bonnie Bridges, agent for permit holders.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-002

TSE FAMILY TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2015 Stockton Street. Appealing the denial on Dec. 27, 2012, of Permit to Alter a Building (comply with NOV No. 200907902; install total of 38 vinyl double-hung windows to front and rear of building). APPLICATION NO. 2012/06/22/3228. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal, overrule the denial and issue the permit on condition that the scope of work be modified to strike the replacement of all windows visible from the public right-of-way.

SPEAKERS: Eric Tse, agent for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:50 p.m.

② Help

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PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, March 08, 2013 11:11 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for March 13, 2013. The next regular meeting is scheduled for **WEDNESDAY, MARCH 20, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **March 08, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 20, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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GOVERNMENT
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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

MAR 15 2013

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the March 06, 2013 minutes.

(4) **SPECIAL ITEM:**

Informational presentation by the Department of Public Health Tobacco Free Project on the City's efforts to curb the sale of tobacco to minors.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 264 Dore Street. Letter from Stephen Williams, attorney for 465 – 10th Street Condominium HOA, appellant, requesting rehearing of Appeal No. 12-151, 465 – 10th Street Condo HOA vs. DBI, PDA, decided Feb. 13, 2013. At that time, the Board voted 4-0-1 (Vice President Lazarus absent) to deny the appeal and uphold the permit on the basis of the Zoning Administrator's testimony at hearing. **Permit Holder:** Daniel Kennedy. **Project:** erect a two-story, auto-repair garage building with 1,997.5sf of ground floor area; BPA No. 2012/01/27/3062S.

REGULAR MEETING, BOARD OF APPEALS, MARCH 20, 2013 - PAGE 2

(6) APPEAL NO. 12-126

2 ND STREET MERCHANTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	150 California Street & 84 – 2nd Street. Protesting the issuance on Sept. 28, 2012, to Expresso Subito LLC, Mobile Food Facility Permit (sale of espresso drinks). PERMIT NO. 11MFF-0167. REHEARING HELD AND CLOSED ON JANUARY 16, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow Commissioner Hurtado to participate in the final vote.
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(7) APPEAL NO. 13-001

GERALDINE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1041 Shrader Street. Protesting the issuance on Dec. 20, 2012, to Laura & Dave Brown, Permit to Alter a Building (add crickets to rear of house for proper roof drainage). APPLICATION NO. 2012/12/20/6664. FOR HEARING TODAY.
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(8) APPEAL NO. 12-159

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	125 Crown Terrace. Protesting the issuance on Nov. 28, 2012, to Crown Terrace LLC, Permit to Alter a Building (horizontal and vertical addition). APPLICATION NO. 2011/10/06/6315S. FOR HEARING TODAY.
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(9) APPEAL NO. 13-004

MIYO OTA dba "MIO INC.", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2130 Fillmore Street. Protesting the issuance on Jan. 07, 2013, to Alan Tan, Permit to Alter a Building (update concrete foundation; replace water damaged studs; 20% upgrade CDA at entrance door opener). APPLICATION NO. 2013/01/04/7241. FOR HEARING TODAY.
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(10) APPEAL NO. 13-013

PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on Jan. 30, 2013, to Sofia New, Permit to Alter a Building (comply with NOV No. 201299633; revision to BPA No. 2006/09/06/1483; to document accurate building height relationship between the proposed elevation of 1325 Portola Drive and the neighboring building to the West). APPLICATION NO. 2012/03/27/6917. FOR HEARING TODAY.
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Date posted: **March 15, 2013**

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MEETING MINUTES - WEDNESDAY, MARCH 20, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street-Use and Mapping (DPW BSM); Derek Smith, Health Program Coordinator, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Jim Patrick, Alison Rowe, Charlie Yu, Keith Milne, Karen Smith and Monesh Josan spoke in support of the appellant in Appeal No.12-126. Gary Goldstein, Beverly Goldstein and Deborah Kartiganer spoke in support of the permit holder in Appeal No.12-126.

Patricia Vaughey spoke on the practice of changing rental units into single family homes and on the elimination of a second means of egress. She also spoke about issues of formula retail that she anticipates will be coming to the Board in the future.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the March 6, 2013 minutes.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to adopt the March 6, 2013 minutes.

SPEAKERS: None.

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REGULAR MEETING, BOARD OF APPEALS, MARCH 20, 2013 - PAGE 2

PUBLIC COMMENT: None.

(4) SPECIAL ITEM

Informational presentation by the Department of Public Health Tobacco Free Project on the City's efforts to curb the sale of tobacco to minors.

SPEAKERS: Derek Smith, DPH, spoke to the Board about the efforts of the Tobacco Free Project to prevent the sale of tobacco to minors and the impact of tobacco use by minors.

PUBLIC COMMENT: None.

(5) ADDENDUM ITEMS

(5a) REHEARING REQUEST

Subject property at 264 Dore Street. Letter from Stephen Williams, attorney for 465 – 10th Street Condominium HOA, appellant, requesting rehearing of Appeal No. 12-151, 465 – 10th Street Condo HOA vs. DBI, PDA, decided Feb. 13, 2013. At that time, the Board voted 4-0-1 (Vice President Lazarus absent) to deny the appeal and uphold the permit on the basis of the Zoning Administrator's testimony at hearing. **Permit Holder:** Daniel Kennedy. **Project:** erect a two-story, auto-repair garage building with 1,997.5sf of ground floor area; BPA No. 2012/01/27/3062S.

This matter was withdrawn by the appellant prior to hearing and was not heard.

(6) APPEAL NO. 12-126

2 ND STREET MERCHANTS, Appellant(s)	150 California Street & 84 – 2nd Street.
vs.	Protesting the issuance on Sept. 28, 2012, to Espresso Subito LLC, Mobile Food Facility Permit (sale of espresso drinks).
DEPT. OF PUBLIC WORKS	PERMIT NO. 11MFF-0167.
BUREAU OF STREET-USE & MAPPING,	REHEARING HELD AND CLOSED ON JANUARY 16, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow Commissioner Hurtado to participate in the final vote.
Respondent	

ACTION: Upon motion by Commissioner Hurtado, the Board voted 2-3 (Vice President Lazarus, Commissioner Fung and Commissioner Honda dissented) to uphold the permit on the basis that the notice given was adequate, that there is no like food within the required radius and that DPW properly exercised its discretion in issuing the permit. Lacking the three votes needed to pass, the motion failed. There being no further motion made, the permit was upheld by operation of law.

SPEAKERS: None.

REGULAR MEETING, BOARD OF APPEALS, MARCH 20, 2013 - PAGE 3

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-001

GERALDINE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1041 Shrader Street. Protesting the issuance on Dec. 20, 2012, to Laura & Dave Brown, Permit to Alter a Building (add crickets to rear of house for proper roof drainage). APPLICATION NO. 2012/12/20/6664. FOR HEARING TODAY.
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ACTION: This matter was withdrawn by the appellant at the hearing and was not heard.

SPEAKERS: Ryan Patterson, attorney for appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-159

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	125 Crown Terrace. Protesting the issuance on Nov. 28, 2012, to Crown Terrace LLC, Permit to Alter a Building (horizontal and vertical addition). APPLICATION NO. 2011/10/06/6315S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the board voted 3-2 (President Hwang and Commissioner Hurtado dissented) to grant the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Stephen Williams, appellant; Pat Buscovich, agent for appellant; Lucian Blazej, agent for permit holder; Rodrigo Santos, agent for permit holder; Noe Murphy, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Brian Stanfeubiel, Nicole Paiement, Robert Harris, Annie Rosenbloom, Terry Woods, Margaret Verges, Dee Cunningham, Jake McGoldrick and Brenda Yost spoke in support of the appellant. Henry Karnilowicz, John Keogan and John Holtz spoke in support of the permit holder.

REGULAR MEETING, BOARD OF APPEALS, MARCH 20, 2013 - PAGE 4

(9) APPEAL NO. 13-004

MIYO OTA dba "MIO INC.", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2130 Fillmore Street. Protesting the issuance on Jan. 07, 2013, to Alan Tan, Permit to Alter a Building (update concrete foundation; replace water damaged studs; 20% upgrade CDA at entrance door opener). APPLICATION NO. 2013/01/04/7241. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Miyo Ota, appellant; Christina Tan, agent for permit holder; John Kevlin, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Caryl Ito, Beverly Weinkauff, Henry Karnilowicz, Penny Nakatsu, Paul Wermer and Thomas Reynolds spoke in support of the appellant.

(10) APPEAL NO. 13-013

PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on Jan. 30, 2013, to Sofia New, Permit to Alter a Building (comply with NOV No. 201299633; revision to BPA No. 2006/09/06/1483; to document accurate building height relationship between the proposed elevation of 1325 Portola Drive and the neighboring building to the West). APPLICATION NO. 2012/03/27/6917. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it conforms to the approved plans with respect to the overall building height.

SPEAKERS: Peter Linn, appellant; Sarah New, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Mark Barbagelata spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:20 p.m.

Laurel Yerkey

From: SF Docs
Sent: Friday, March 22, 2013 11:16 AM
To: Katherine Wingerson
Cc: Laurel Yerkey
Subject: FW: PUBLIC NOTICE

From: Pacheco, Victor [victor.pacheco@sfgov.org]
Sent: Friday, March 22, 2013 10:37 AM
To: Boyajian, Judy; Bryan, Robert; Chin, Jack; Duffy, Joseph; Freeman, Michael; Goldstein, Cynthia; Goudeau, Matthew; Grieco, Anthony; Hui, Tom; Kremenak, Charles; Lau, Agnes; Lowrey, Daniel; O'Riordan, Patrick; Panelli, Steven; SF Docs; Sanchez, Scott; Sider, Dan; Sweeney, Edward; Tam, Tina; Venizelos, Thomas; Wheaton, Nicole
Subject: PUBLIC NOTICE

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P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for March 27, 2013 or April 03, 2013. The next regular meeting is scheduled for **WEDNESDAY, APRIL 10, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

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MAR 22 2013

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Date Posted: **March 22, 2013**
Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 10, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

12:00 p.m. mst
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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the March 20, 2013 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1244 Treat Avenue. Letter from Janet Sum, agent for Dong Hua Su, appellant, requesting rehearing of Appeal No. 12-170, Su vs. DBI, PDA, decided March 06, 2013. At that time, the Board voted 4-0 to uphold the subject permit on the basis that the permit was properly issued. Permit Holder: Peggy Mangot. Project: replace foundations; create internal stair from 1st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit; BPA No. 2012/09/12/9516.

REGULAR MEETING, BOARD OF APPEALS, APRIL 10, 2013 - PAGE 2

(5) APPEAL NO. 12-142

PAAWAN KOTHARI dba "THE CHAI CART", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	79 New Montgomery Street. Appealing the denial on Nov. 06, 2012, of Mobile Food Facility Permit (sale of hot Indian chai tea). APPLICATION NO. 12MFF-0083. FOR REHEARING TODAY. Note: On January 16, 2013, the appellant did not appear at the hearing and the Board upheld the denial on the basis of the DPW's analysis; then on Feb. 13, 2013, the Board voted to grant the appellant's rehearing request and to schedule a rehearing on April 10, 2013.
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(6) APPEAL NO. 13-010

SEYOUM MEKONNEN & KIFLAI GRABAB dba "UC MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1251 – 3rd Avenue. Appealing a twenty-five (25) day suspension of Tobacco Sales Permit, imposed on Jan. 10, 2013. Reason for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. SMK-1304. FOR HEARING TODAY.
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ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-006

BILL PASHELINSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	404 Jersey Street. Appealing the denial on Sept. 05, 2012, of Permit to Alter a Building (convert existing concrete slab into parking pad with new gate and curb cut). APPLICATION NO. 2011/12/15/0758. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY.
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(7B) APPEAL NO. V13-007

BILL PASHELINSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	404 Jersey Street. Appealing the denial on Aug. 14, 2012, of Rear Yard Variance (construct a 10 foot wide curb cut and off-street parking pad located within an open area on the subject property which qualifies as the required rear yard). CASE NO. 2012.0173V. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY.
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(8) APPEAL NO. 13-008

NICOLE WRIGHT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	264 Dolores Street aka 260-264 Dolores Street. Appealing a Notice of Violation & Penalty dated Jan. 05, 2013, addressed to Revocable Trust of Edward Litke and Wellness 264 Center, regarding allegations that the subject property is being used as an unauthorized commercial establishment in violation of the Planning Code. FOR HEARING TODAY.
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(9) APPEAL NO. 13-009

GREG HOLZMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	721 Beach Street. Protesting the issuance on Jan. 15, 2013, to Jeff Sears, Permit to Erect a Building (three- story, two-unit, retail/commercial/residential building with 3,645sf of ground floor area). APPLICATION NO. 2010/11/29/5645S. FOR HEARING TODAY.
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(10) APPEAL NO. V13-011

GARY SOKOL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	23-25 Clifford Terrace. Protesting the granting on Jan. 16, 2013, to Kevin & Lucia Wallace, Rear Yard and Non-Complying Structure Variances (construct a one-story vertical addition and front horizontal addition). CASE NO. 2012.0855V. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 05, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed

REGULAR MEETING, BOARD OF APPEALS, APRIL 10, 2013 - PAGE 5

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting

room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sovf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the

Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 10, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Nick Elsner, Department of Public Works, Bureau of Street-Use and Mapping (DPW BSM); Larry Kessler, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Arcelia Hurtado.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Lazarus and Commissioner Honda both announced they would be absent from the April 17, 2013 meeting. President Hwang announced that the April 17, 2013 meeting will be canceled due to the lack of available Board members.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the March 20, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to adopt the March 20, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS

(4a) REHEARING REQUEST

Subject property at 1244 Treat Avenue. Letter from Janet Sum, agent for Dong Hua Su, appellant, requesting rehearing of Appeal No. 12-170, Su vs. DBI, PDA, decided March 06, 2013. At that time, the Board voted 4-0 to uphold the subject permit on the basis that the permit was properly issued. Permit Holder: Peggy Mangot. Project: replace foundations; create internal stair from 1st story to basement; add bedrooms, bath and living space to lower level; remodel kitchen and create new bath at upper level of bottom unit; BPA No. 2012/09/12/9516.

ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Hurtado absent) to deny the rehearing request.

SPEAKERS: Janet Sum, agent for requestor; Peggy Mangot, permit holder; Troy Kashanipour, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-142

PAAWAN KOTHARI dba "THE CHAI CART", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	79 New Montgomery Street. Appealing the denial on Nov. 06, 2012, of Mobile Food Facility Permit (sale of hot Indian chai tea). APPLICATION NO. 12MFF-0083. FOR REHEARING TODAY. Note: On January 16, 2013, the appellant did not appear at the hearing and the Board upheld the denial on the basis of the DPW's analysis; then on Feb. 13, 2013, the Board voted to grant the appellant's rehearing request and to schedule a rehearing on April 10, 2013.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal, overrule the denial of the permit by DPW and issue a permit for a six month period on the basis that (a) the Indian Chai Tea to be sold does not constitute "like food" under the Public Works Code; and (b) the six month duration of the permit will allow time for an analysis of pedestrian traffic congestion concerns.

SPEAKERS: Paawan Kothari, appellant; Nick Elsner, DPW BSM.

REGULAR MEETING, BOARD OF APPEALS, APRIL 10, 2013 - PAGE 3

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-010

SEYOUM MEKONNEN & KIFLAI GRABAB dba "UC MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1251 – 3 rd Avenue. Appealing a twenty-five (25) day suspension of Tobacco Sales Permit, imposed on Jan. 10, 2013. Reason for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. SMK-1304. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 2-2-1 (Commissioner Fung and Commissioner Honda dissented; Commissioner Hurtado absent) to deny the appeal and uphold the 25 day suspension on the basis of the Department of Public Health analysis. Lacking the three votes needed to pass, the motion failed. There being no further motion made, the suspension was upheld by operation of law.

SPEAKERS: Seyoum Mekonnen, appellant; Larry Kessler, DPH.

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7a) APPEAL NO. 13-006

BILL PASHELINSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	404 Jersey Street. Appealing the denial on Sept. 05, 2012, of Permit to Alter a Building (convert existing concrete slab into parking pad with new gate and curb cut). APPLICATION NO. 2011/12/15/0758. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY.
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(7b) APPEAL NO. V13-007

BILL PASHELINSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	404 Jersey Street. Appealing the denial on Aug. 14, 2012, of Rear Yard Variance (construct a 10 foot wide curb cut and off-street parking pad located within an open area on the subject property which qualifies as the required rear yard). CASE NO. 2012.0173V. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, APRIL 10, 2013 - PAGE 4

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to continue both matters to May 22, 2013 to allow revised plans to be prepared and submitted.

SPEAKERS: Bartholomew Murphy, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-008

NICOLE WRIGHT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	264 Dolores Street aka 260-264 Dolores Street. Appealing a Notice of Violation & Penalty dated Jan. 05, 2013, addressed to Revocable Trust of Edward Litke and Wellness 264 Center, regarding allegations that the subject property is being used as an unauthorized commercial establishment in violation of the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to continue this matter to June 5, 2013 to allow the appellant to submit a brief and the subject property owner and Zoning Administrator to submit reply briefs per the normal briefing schedule.

SPEAKERS: Nicole Wright, appellant; Thomas Foran, attorney for subject property owner; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-009

GREG HOLZMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	721 Beach Street. Protesting the issuance on Jan. 15, 2013, to Jeff Sears, Permit to Erect a Building (three-story, two-unit, retail/commercial/residential building with 3,645sf of ground floor area). APPLICATION NO. 2010/11/29/5645S. FOR HEARING TODAY
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Greg Holzman, appellant; John Kevlin, attorney for permit holder; Jeff Sears, permit holder; Helena Sears, permit holder; Steve Geiszler, agent for permit holders; Scott Sanchez, ZA.

PUBLIC COMMENT: Tom Bechard and Christopher Upham spoke in support of the permit holders.

REGULAR MEETING, BOARD OF APPEALS, APRIL 10, 2013 - PAGE 5

(10) APPEAL NO. V13-011

GARY SOKOL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	23-25 Clifford Terrace. Protesting the granting on Jan. 16, 2013, to Kevin & Lucia Wallace, Rear Yard and Non- Complying Structure Variances (construct a one-story vertical addition and front horizontal addition). CASE NO. 2012.0855V. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Gary Sokol, appellant; Kevin Wallace, variance holder; Lucia Wallace, variance holder; Joshua Aidlin, agent for variance holders; Scott Sanchez, ZA.

PUBLIC COMMENT: Anthony Kaye and Frank Morris spoke in support of the appellant. Kathryn Cocchiglia and Stephanie K. spoke in support of the variance holders.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:15 p.m.

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Today

Pacheco, Victor 11:17 AM

PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, April 12, 2013 11:17 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **CANCELLED** the meeting of April 17, 2013. The next regular meeting is scheduled for **WEDNESDAY, APRIL 24, 2012**, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **April 12, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

11:40 a.m. mst
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APR 12 2013

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 24, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

04-19-13A11:12 RCVD

(2) COMMISSIONER COMMENTS & QUESTIONS:

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APR 19 2013

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the April 10, 2013 minutes.

(4) APPEAL NO. 13-012

TRA PHAM
dba "FAITH SANDWICH", Appellant(s)

vs.

DEPT. OF PUBLIC WORKS
BUREAU OF STREET-USE & MAPPING,
Respondent

560 Mission Street.

Appealing the denial Jan. 14, 2013, of
Mobile Food Facility Permit (sale of
Vietnamese sandwiches, various meat rice
plates and bowls, vermicelli, spring rolls,
sticky rice, Vietnamese Goi, chips, cookies,
coffee, tea, soda, juice, and water).

APPLICATION NO. 12MFF-0095.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, APRIL 24, 2013 - PAGE 2

(5) APPEAL NO. 13-019

BENNY YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Multiple locations along 22 nd Avenue and Irving Street. Protesting the issuance on Feb. 12, 2013, to SBC – Pacific Bell Engineering, Utility Excavation Permit. PERMIT NO. 13EXC-0820. FOR HEARING TODAY.
--	--

(6) APPEAL NO. 13-014

BUILD INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	535 Green Street. Appealing a Letter of Determination dated Jan. 17, 2013, addressed to Marsha Garland, regarding whether a liquor distillery with a retail shop and event venue is a permissible use on the basement and ground floor of the subject building. FOR HEARING TODAY.
---	--

(7) APPEAL NO. 13-015

ROD HANDELAND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1269 Lombard Street. Protesting the issuance on Jan. 25, 2013, to Lombard Property Company, Permit to Alter a Building (comply with NOV No. 201282001; replace existing retaining walls; new wall as per plans; landscape; deck). APPLICATION NO. 2013/01/25/8785. FOR HEARING TODAY.
--	--

(8) APPEAL NO. 13-017

LUCKY GROUP INVESTMENTS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4871- 4873 Mission Street. Appealing a Notice of Violation & Penalty dated Feb. 06, 2013, addressed to Lucky Group Investments LLC, regarding the operation of a Fringe Financial Service use (dba Lucky Money Check Cashing) at the subject property without the required Conditional Use Authorization, in violation of the Planning Code. FOR HEARING TODAY.
---	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 19, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 24, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 10, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the April 10, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 13-012

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REGULAR MEETING, BOARD OF APPEALS, APRIL 24, 2013 - PAGE 2

TRA PHAM dba "FAITH SANDWICH", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	560 Mission Street. Appealing the denial Jan. 14, 2013, of Mobile Food Facility Permit (sale of Vietnamese sandwiches, various meat rice plates and bowls, vermicelli, spring rolls, sticky rice, Vietnamese Goi, chips, cookies, coffee, tea, soda, juice, and water). APPLICATION NO. 12MFF-0095. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal, overturn the Department, and issue the permit on the condition that chips and cookies be deleted from the scope of the permit, and on the basis that (1) there are no like foods within a 300-foot radius; and (2) there is no saturation of Mobile Food Facility's in the area.

SPEAKERS: Michael Murtagh, attorney for appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: David Silverglide and Bradford Collins spoke in support of the Department.

(5) APPEAL NO. 13-019

BENNY YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Multiple locations along 22 nd Avenue and Irving Street. Protesting the issuance on Feb. 12, 2013, to SBC – Pacific Bell Engineering, Utility Excavation Permit. PERMIT NO. 13EXC-0820. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-2 (Commissioner Fung and Commissioner Honda dissented) to deny the appeal and uphold the permit on the basis stated in the DPW Order.

SPEAKERS: George Lee, attorney for appellant; Amanda Monchamp, attorney for permit holder; Marc Blakeman, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: William Barnickel, Sylvia Hong, Olivia Singh, Benjamin Lio, Eric Messersmith, Emmy Yu, Dennis Yee, Kai Yi Yu, Richard Aw, Ty Ho, Leon Chow, Amy Lao and William Mui spoke in support of the appellant.

REGULAR MEETING, BOARD OF APPEALS, APRIL 24, 2013 - PAGE 3

(6) APPEAL NO. 13-014

BUILD INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	535 Green Street. Appealing a Letter of Determination dated Jan. 17, 2013, addressed to Marsha Garland, regarding whether a liquor distillery with a retail shop and event venue is a permissible use on the basement and ground floor of the subject building. FOR HEARING TODAY.
---	--

ACTION: Upon motion by Vice President Lazarus, the Board voted 4-1 (Commissioner Hurtado dissented) to deny the appeal and uphold the Zoning Administrator on the basis that he did not err or abuse his discretion.

SPEAKERS: Michael Yarne, agent for appellant; Marsha Garland, determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Jeffry Gregory spoke in support of the Zoning Administrator.

(7) APPEAL NO. 13-015

ROD HANDELAND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1269 Lombard Street. Protesting the issuance on Jan. 25, 2013, to Lombard Property Company, Permit to Alter a Building (comply with NOV No. 201282001; replace existing retaining walls; new wall as per plans; landscape; deck). APPLICATION NO. 2013/01/25/8785. FOR HEARING TODAY.
---	--

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and deny the permit on the basis that the designated property owner and parcel information are incorrect.

SPEAKERS: Ron Handeland, appellant; Tom Burwell, agent for permit holder; Charles Bloszies, agent for permit holder; Rod Gonzales, agent for permit holder; Jason Anderlite, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Frank Morrow spoke in support of the appellant.

REGULAR MEETING, BOARD OF APPEALS, APRIL 24, 2013 - PAGE 4

(8) APPEAL NO. 13-017

LUCKY GROUP INVESTMENTS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4871- 4873 Mission Street. Appealing a Notice of Violation & Penalty dated Feb. 06, 2013, addressed to Lucky Group Investments LLC, regarding the operation of a Fringe Financial Service use (dba Lucky Money Check Cashing) at the subject property without the required Conditional Use Authorization, in violation of the Planning Code. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Fung, the Board voted 2-3 (President Hwang, Vice President Lazarus and Commissioner Hurtado dissented) to grant the appeal and overturn the Notice of Violation & Penalty on the basis that the Zoning Administrator erred in finding the use as nonconforming. Lacking the three votes needed to pass, the motion failed. Upon further motion by Commissioner Fung, the Board voted 3-2 (President Hwang and Vice President Lazarus dissented) to continue this matter until June 19, 2013 to allow the appellant time to file for a Conditional Use authorization.

SPEAKERS: Charles Smith, attorney for appellant; Gabriel Ng, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:00 p.m.

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Today

 Pacheco, Victor 10:05 AM 
PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, April 26, 2013 10:05 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for May 01, 2013. The next regular meeting is scheduled for **WEDNESDAY, MAY 08, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: April 26, 2013

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

04-26-13A10:11 RCVD

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Items 1 to 1 of 1

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 08, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

05-03-13P12:24 RCVD

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 24, 2013 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 125 Crown Terrace. Letter from Stephen Williams, appellant, requesting rehearing of Appeal No. 12-159, Williams vs. DBI, PDA, decided March 20, 2013. At that time, the Board voted 3-2 to uphold the subject permit on the basis that the permit is Code conforming. Permit Holder: Crown Terrace LLC. Project: horizontal and vertical addition; BPA No. 2011/10/06/6315S.

(4b) **JURISDICTION REQUEST:**

Subject property at 5234 Mission Street. Letter from Marc Terbeek, attorney for Instituto Laboral de la Raza, requestor, asking that the Board take jurisdiction over BPA No. 2010/06/16/4643, which was issued by the Dept. of Building Inspection on Feb. 14, 2013, and the appeal period ended on March 01, 2013; the jurisdiction request was filed at the Board office on April 22, 2013. Permit Holder: Inna Yakobova dba "Tree Med". Project: proposed change of use from lighting fixture sales store to a medical cannabis dispensary.

(5) SPECIAL ITEM:

Subject Property at Piers 27-29. Board of Appeals Action: whether to accept the Port Commission's delegation of authority to hear and decide an appeal of the Entertainment Commission's issuance of a conditional Place of Entertainment permit (No. EC-1178) issued to Matt Prieshoff, dba "Live Nation/America's Cup Pavilion" for Piers 27-29, property under the jurisdiction of the Port Commission, and if the Board accepts such delegated authority, to ratify staff action accepting an appeal and setting the hearing for May 8, 2013.

(6) APPEAL NO. 13-045

RECREATION & OPEN SPACE FOR THE WATERFRONT, GARY BOTTO AND FRED ALLARDYCE, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	Piers 27-29. Protesting the issuance on April 03, 2013, to Matt Prieshoff dba "Live Nation / America's Cup Pavilion", Conditional Place of Entertainment Permit (to hold no more than 30 paid concerts between May 15, 2013 and October 19, 2013 as specified). PERMIT NO. EC-1178. FOR HEARING TODAY (assuming the Board of Appeals accepts the delegation of authority from the Port Commission under Item No. 5).
--	--

(7) APPEAL NO. 13-024

LEGACY 455 MARKET STREET LP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	455 Market Street. Protesting the issuance on Feb. 15, 2013, to Kabob Trolley LLC, Mobile Food Facility Permit (sale of gyros, kebabs, soft drinks and water). PERMIT NO. 11MFF-0147. FOR HEARING TODAY.
---	--

REGULAR MEETING, BOARD OF APPEALS, MAY 08, 2013 - PAGE 3

ITEMS (8A), (8B), (8C) and (8D) SHALL BE HEARD TOGETHER

(8A) APPEAL NO. 12-158

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance). APPLICATION NO. 2012/12/04/5434. PUBLIC HEARINGS HELD ON FEB. 20, 2013. FOR FURTHER CONSIDERATION TODAY. Note: Matters were continued to allow time for the permit holder to submit additional information pursuant to the Board's comments; additional briefing is allowed.
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(8B) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. SEE NOTE IN ITEM 8A.
---	--

(8C) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. SEE NOTE IN ITEM 8A.
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(8D) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. SEE NOTE IN ITEM 8A.
---	--

(9) APPEAL NO. 13-023

VIKKI HART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	725 Folsom Street. Protesting the issuance on Feb. 21, 2013, to Museum Parc Retail LLC, Permit to Alter a Building (interior tenant improvements; restrooms for men and women; demo interior partition and doors; new offices and conference rooms; MEP under separate permit). APPLICATION NO. 2013/02/12/0021. FOR HEARING TODAY.
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(10) APPEAL NO. 13-034

VICKI SHIPKOWITZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: CANDU CAPITAL GROUP LLC	349 Banks Street. Protesting a Release of Suspension Request dated March 11, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that the suspension against BPA No. 2012/11/29/5100 be lifted for the reason that the Planning Commission has held a public hearing on the project and voted unanimously to not take DR and approve the project (comply with NOV No. 201275901; legalize construction of deck through the roof at 3 rd floor built without benefit of permit). FOR HEARING TODAY.
---	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 03, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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SPECIAL NOTES

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REGULAR MEETING, BOARD OF APPEALS, MAY 08, 2013 - PAGE 6

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 8, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Jocelyn Kane, Executive Director, Entertainment Commission; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

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SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 24, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the April 24, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 125 Crown Terrace. Letter from Stephen Williams, appellant, requesting rehearing of Appeal No. 12-159, Williams vs. DBI, PDA, decided March 20, 2013. At that time, the Board voted 3-2 to uphold the subject permit on the basis that the permit is Code conforming. Permit Holder: Crown Terrace LLC. Project: horizontal and vertical addition; BPA No. 2011/10/06/6315S.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Stephen William, requestor; Lucien Blazej, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: John Keogan and Warren Sheets spoke in support of the permit holder.

(4b) **JURISDICTION REQUEST:**

Subject property at 5234 Mission Street. Letter from Marc Terbeek, attorney for Instituto Laboral de la Raza, requestor, asking that the Board take jurisdiction over BPA No. 2010/06/16/4643, which was issued by the Dept. of Building Inspection on Feb. 14, 2013, and the appeal period ended on March 01, 2013; the jurisdiction request was filed at the Board office on April 22, 2013. Permit Holder: Inna Yakobova dba "Tree Med". Project: proposed change of use from lighting fixture sales store to a medical cannabis dispensary.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the jurisdiction request on the basis that no notice was required under the Code.

SPEAKERS: Marc Terbeek, attorney for requestor; Brendan Hallinan, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Eric Safire, Justina Perry, Nina Potepan, Nikia Harris, Vicky Blake, Edward Shorts, Vincent Cowant, Maria Rocha, Diane Adams, Angela McGill, Jacqueline Knight, Tabitha Ballard, Nathaniel Thomas and Jewnbug spoke in support of the permit holder.

(5) **SPECIAL ITEM:**

Subject Property at Piers 27-29. Board of Appeals Action: whether to accept the Port Commission's delegation of authority to hear and decide an appeal of the Entertainment Commission's issuance of a conditional Place of Entertainment permit (No. EC-1178) issued to Matt Prieshoff, dba "Live Nation/America's Cup Pavilion" for Piers 27-29, property under the jurisdiction of the Port Commission, and if the Board accepts such delegated authority, to ratify staff action accepting an appeal and setting the hearing for May 8, 2013.

REGULAR MEETING, BOARD OF APPEALS, MAY 8, 2013 - PAGE 3

ACTION: Upon motion by President Hwang, the Board voted 5-0 to accept the delegation of authority and ratify staff action accepting an appeal and setting the hearing for May 8, 2013.

SPEAKERS: Adam Van de Water, agent for Entertainment Commission and Port; Susan Reynolds, agent for Port; Keith Wagner, attorney for appellants; Steve Vettel, attorney for permit holder.

PUBLIC COMMENT: Sam Berman and Lorraine Moreno spoke in support of the appellants; Flicka McGurrian spoke in support of the Board taking jurisdiction over the appeal.

(6) APPEAL NO. 13-045

RECREATION & OPEN SPACE FOR THE WATERFRONT, GARY BOTTO AND FRED ALLARDYCE, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	Piers 27-29. Protesting the issuance on April 03, 2013, to Matt Prieshoff dba "Live Nation / America's Cup Pavilion", Conditional Place of Entertainment Permit (to hold no more than 30 paid concerts between May 15, 2013 and October 19, 2013 as specified). PERMIT NO. EC-1178. FOR HEARING TODAY (assuming the Board of Appeals accepts the delegation of authority from the Port Commission under Item No. 5).
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ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the appeal, uphold the permit and adopt the findings and additional conditions as read into the record at the hearing.

SPEAKERS: Keith Wagner, attorney for appellants; Fred Allardyce, appellant; Steve Vettel, attorney for permit holder; Matt Prieshoff, agent for permit holder; Jane Eagleson, agent for permit holder; Jocelyn Kane, Entertainment Commission; Captain Tom Cleary, San Francisco Police Department; Lea Militello, San Francisco Municipal Transportation Agency.

PUBLIC COMMENT: Morton Beebe, Bob Harrer and Steve Lutge spoke in support of the permit holder. Sam Berman and Lorraine Moreno spoke in support of the appellants.

(7) APPEAL NO. 13-024

LEGACY 455 MARKET STREET LP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	455 Market Street. Protesting the issuance on Feb. 15, 2013, to Kabob Trolley LLC, Mobile Food Facility Permit (sale of gyros, kebabs, soft drinks and water). PERMIT NO. 11MFF-0147. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, MAY 8, 2013 - PAGE 4

ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Kathy McKenna, agent for appellant; David Tchack, attorney for permit holder; Asadullah Amini, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

ITEMS (8A), (8B), (8C) and (8D) SHALL BE HEARD TOGETHER

(8A) APPEAL NO. 12-158

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance). APPLICATION NO. 2012/12/04/5434. PUBLIC HEARINGS HELD ON FEB. 20, 2013. FOR FURTHER CONSIDERATION TODAY. Note: Matters were continued to allow time for the permit holder to submit additional information pursuant to the Board's comments; additional briefing is allowed.
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(8B) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. SEE NOTE IN ITEM 8A.
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(8C) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. SEE NOTE IN ITEM 8A.
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REGULAR MEETING, BOARD OF APPEALS, MAY 8, 2013 - PAGE 5

(8D) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. SEE NOTE IN ITEM 8A.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue the four appeals to May 15, 2013 to allow time for the parties to articulate their desired revisions to the permits.

SPEAKERS: Steve Williams, appellant; Scott Sanchez, ZA; Brett Gladstone, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-023

VIKKI HART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	725 Folsom Street. Protesting the issuance on Feb. 21, 2013, to Museum Parc Retail LLC, Permit to Alter a Building (interior tenant improvements; restrooms for men and women; demo interior partition and doors; new offices and conference rooms; MEP under separate permit). APPLICATION NO. 2013/02/12/0021. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the permit on the basis that it is Code compliant and was properly issued.

SPEAKERS: Vikki Hart, appellant; Mari Iki, agent for appellant; Pablo Daroux, agent for appellant; Dee Dee Workman, agent for permit holder; Allen Gee, agent for permit holder; Ben Piper, agent for permit holder; Jeremy Decker, agent for permit holder; Jean Ko, agent for permit holder; Caroline Guibert, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Lydia Chang, Clifford Kane and Wayne Goldman spoke in support of the appellant.

(10) APPEAL NO. 13-034

VICKI SHIPKOWITZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: CANDU CAPITAL GROUP LLC	349 Banks Street. Protesting a Release of Suspension Request dated March 11, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that the suspension against BPA No. 2012/11/29/5100 be lifted for the reason that the Planning Commission has held a public hearing on the project and voted unanimously to not take DR and approve the project (comply with NOV No. 201275901; legalize construction of deck through the roof at 3 rd floor built without benefit of permit). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the Release of Suspension Request on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Vicki Shipkowitz, appellant; Ritu Vohra, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Fausto Wolffenbuttel spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 11:45 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 15, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

05-10-13P12:15 RCVD

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 08, 2013 minutes.

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ITEMS (4A), (4B), (4C) and (4D) SHALL BE HEARD TOGETHER

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(4A) **APPEAL NO. 12-158**

STEPHEN WILLIAMS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent

2395 - 26th Avenue.

Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance).

APPLICATION NO. 2012/12/04/5434.

PUBLIC HEARINGS HELD ON FEB. 20, 2013 & MAY 08, 2013. FOR FURTHER CONSIDERATION TODAY. **Note: Matters were continued to May 15, 2013 to allow time for parties to clarify the scope of their settlement agreement.**

REGULAR MEETING, BOARD OF APPEALS, MAY 15, 2013 - PAGE 2

(4B) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. SEE NOTE IN ITEM 4A.
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(4C) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. SEE NOTE IN ITEM 4A.
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(4D) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. SEE NOTE IN ITEM 4A.
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(5) APPEAL NO. 12-171

MATTHEW & KRISTINE LEFFERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	611 Buena Vista West Avenue. Protesting the issuance on Dec. 13, 2012, to Martin Roscheisen, Permit to Alter a Building (one-story vertical addition to existing two-story residence; roof of 3 rd story addition will include green roof; project will have a basement addition). APPLICATION NO. 2011/05/04/5332S. FOR HEARING TODAY.
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(6) APPEAL NO. 13-018

VASSILIKI MOULAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	669 San Jose Avenue. Protesting the issuance on Aug. 30, 2012, to Vassiliki Moulas, Permit to Alter a Building (comply with NOV No. 201077532; remove illegal unit at ground floor rear garage). APPLICATION NO. 2012/08/30/8686. JURISDICTION GRANTED FEB. 13, 2013. FOR HEARING TODAY.
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(7) APPEAL NO. 13-030

MIYO OTA dba "MIO INC.", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2130 Fillmore Street aka 2118-2128 Fillmore Street. Protesting the issuance on March 04, 2013, to Monique Ramos, Permit to Alter a Building (tenant improvement remodel of existing retail space within existing mixed-use, multi-tenant building; renovation of ground level storefront façade for new retail establishment; no structural work). APPLICATION NO. 2013/03/01/1323. FOR HEARING TODAY.
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(8) APPEAL NO. 13-025

LAURA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	312 Avila Street. Protesting the issuance on March 07, 2013, to Theodore & Cynthia Heyermann, Permit to Alter a Building (garage alteration as per plan; remove non-conforming construction; remove living room, kitchen and toilet; remove space from housing use that is currently being used as a dwelling by a tenant). APPLICATION NO. 2013/03/07/1690. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, MAY 15, 2013 - PAGE 4

(9) APPEAL NO. 13-026

JULES ROSCOM & HOBART McK. BIRMINGHAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	79 – 26 th Avenue. Protesting the issuance on Feb. 27, 2013, to Drago Herman, Permit to Alter a Building (addition to back at all levels; addition of one floor level <500sf; remodel structure). APPLICATION NO. 2006/10/27/6264S. FOR HEARING TODAY.
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(10) APPEAL NO. 13-029

EDMUND KRIMEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1324-1326 Francisco Street. Protesting the issuance on March 05, 2013, to Barbara Presta, Permit to Alter a Building (site permit; rear ground floor addition to accommodate new ground floor unit; renovation of 2 nd and 3 rd floor units; new stairs to roof from 3 rd floor unit only; new roof deck). APPLICATION NO. 2012/03/26/6873S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 10, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 15, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 8, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the May 8, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

GOVERNMENT
DOCUMENTS DEPT

MAY 23 2013

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REGULAR MEETING, BOARD OF APPEALS, MAY 15, 2013 - PAGE 2

ITEMS (4A), (4B), (4C) and (4D) SHALL BE HEARD TOGETHER

(4A) APPEAL NO. 12-158

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Permit to Alter a Building (tenant improvement (commercial unit #1) new interior partition walls for four new offices, one conference room and break room; upgrade existing bathroom for ADA compliance). APPLICATION NO. 2012/12/04/5434. PUBLIC HEARINGS HELD ON FEB. 20, 2013 & MAY 08, 2013. FOR FURTHER CONSIDERATION TODAY. Note: Matters were continued to May 15, 2013 to allow time for parties to clarify the scope of their settlement agreement.
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(4B) APPEAL NO. 12-166

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: new ADA bathrooms, sink in break room). APPLICATION NO. PP2012/12/06/634. SEE NOTE IN ITEM 4A.
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(4C) APPEAL NO. 12-167

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Plumbing Permit (commercial unit #1: replace heater/furnace). APPLICATION NO. PM2012/12/06/635. SEE NOTE IN ITEM 4A.
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(4D) APPEAL NO. 12-168

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2395 - 26 th Avenue. Appealing the issuance on December 06, 2012, to Howard Weston, Electrical Permit (commercial unit #1: replace 24 new lights and 30 switches). APPLICATION NO. E2012/12/06/7110. SEE NOTE IN ITEM 4A.
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REGULAR MEETING, BOARD OF APPEALS, MAY 15, 2013 - PAGE 3

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to: (1) grant Appeal No. 12-158 and uphold the permit on the condition that the scope of work be to revert the space to its preexisting condition prior to issuance of the subject permit, with the exception of allowing the construction of the ADA-compliant bathroom; (2) grant Appeal No. 12-166 and uphold the permit on the condition that the scope of work that allows construction of a sink in the break room be removed; (3) deny Appeal No. 12-167 and uphold the permit; and (4) grant Appeal No. 12-168 and uphold the permit on the condition that the scope of work be revised to allow only that work necessary for construction of the ADA-compliant bathroom.

SPEAKERS: Brett Gladstone, attorney for permit holder; Stephen Williams, appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-171

MATTHEW & KRISTINE LEFFERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	611 Buena Vista West Avenue. Protesting the issuance on Dec. 13, 2012, to Martin Roscheisen, Permit to Alter a Building (one-story vertical addition to existing two-story residence; roof of 3 rd story addition will include green roof; project will have a basement addition). APPLICATION NO. 2011/05/04/5332S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Lazarus and Commissioner Hurtado dissented) to grant the appeal and uphold the permit on the condition that additional setbacks be added to the front and rear. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Susan Brandt-Hawley, attorney for appellants; Matthew Leffers, appellant; Anna Shimko, attorney for permit holder; Cass Smith, agent for permit holder; Stephanie Kiriakopolos, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Tim Stewart and Susan Rugtjiv spoke in support of the appellants. Robin deGrasse, Lucia Wallace, Reid Gershbein, and Wendy Botwick spoke in support of the permit holder.

(6) APPEAL NO. 13-018

VASSILIKI MOULAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	669 San Jose Avenue. Protesting the issuance on Aug. 30, 2012, to Vassiliki Moulas, Permit to Alter a Building (comply with NOV No. 201077532; remove illegal unit at ground floor rear garage). APPLICATION NO. 2012/08/30/8686. JURISDICTION GRANTED FEB. 13, 2013. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, MAY 15, 2013 - PAGE 4

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the appeal to the Call of the Chair calendar to prevent displacement of the current tenant, and to have the matter return to the Board's active calendar in two years.

SPEAKERS: Vassiliki Moulas, appellant; Dean Moulas, agent for appellant; Jerry Brown, agent for appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-030

MIYO OTA dba "MIO INC.", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2130 Fillmore Street aka 2118-2128 Fillmore Street. Protesting the issuance on March 04, 2013, to Monique Ramos, Permit to Alter a Building (tenant improvement remodel of existing retail space within existing mixed-use, multi-tenant building; renovation of ground level storefront façade for new retail establishment; no structural work). APPLICATION NO. 2013/03/01/1323. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Vice President Lazarus dissented) to grant the appeal and overturn the permit with written findings to be adopted at a later time.

SPEAKERS: Miyo Ota, appellant; John Kevlin, attorney for permit holder; Monique Ramos, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Penny Nakatsu, Paul Wermer, Thomas Reynolds and Audrey Moy spoke in support of the appellant.

(8) APPEAL NO. 13-025

LAURA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	312 Avila Street. Protesting the issuance on March 07, 2013, to Theodore & Cynthia Heyermann, Permit to Alter a Building (garage alteration as per plan; remove non-conforming construction; remove living room, kitchen and toilet; remove space from housing use that is currently being used as a dwelling by a tenant). APPLICATION NO. 2013/03/07/1690. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

REGULAR MEETING, BOARD OF APPEALS, MAY 15, 2013 - PAGE 5

SPEAKERS: Rebecca Sales, agent for permit holder; James Coy Driscoll, attorney for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Eyal Fishler spoke in support of the permit holder.

(9) APPEAL NO. 13-026

JULES ROSCOM & HOBART McK. BIRMINGHAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	79 – 26 th Avenue. Protesting the issuance on Feb. 27, 2013, to Drago Herman, Permit to Alter a Building (addition to back at all levels; addition of one floor level <500sf; remodel structure). APPLICATION NO. 2006/10/27/6264S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that page A6 of the approved plan set be stricken from the scope of the permit and on the basis that this action reflects the agreement of the parties.

SPEAKERS: Brett Gladstone, attorney for permit holder; John Hurabiell, attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(10) APPEAL NO. 13-029

EDMUND KRIMEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1324-1326 Francisco Street. Protesting the issuance on March 05, 2013, to Barbara Presta, Permit to Alter a Building (site permit; rear ground floor addition to accommodate new ground floor unit; renovation of 2 nd and 3 rd floor units; new stairs to roof from 3 rd floor unit only; new roof deck). APPLICATION NO. 2012/03/26/6873S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Edmun Krimen, appellant; John Kevlin, attorney for permit holder; Barbara Presta, permit holder; David Presta, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Joseph Schatz and Mark Nelson spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 22, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

05-17-13P12:12 RCVD

(3) **ADOPTION OF MINUTES:**

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the May 15, 2013 minutes.

MAY 17 2013

(4) **SPECIAL ITEM:**

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Presentation by Patrick Otellini, Director of Earthquake Safety at the General Services Agency, regarding proposed new legislation requiring retro-fitting of multi-unit soft story buildings.

(5) **APPEAL NO. 13-035**

GERARD DARIAN
dba "ROOSTERTAIL
RESTAURANT", Appellant(s)
vs.

DEPT. OF PUBLIC HEALTH, Respondent

1963 Sutter Street.
Appealing the denial on March 14, 2013, of
Noise Limit Variance.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, MAY 22, 2013 - PAGE 2

(6) APPEAL NO. 12-117

NICHOLAS ANDRADE & JAMES McDERMOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	498 Hoffman Avenue. Appealing a Letter of Determination dated Sept. 17, 2012, addressed to Allen Sowle, regarding the legal dwelling unit count for the subject property. FOR REHEARING TODAY. Public Hearing held and closed on Nov. 07, 2012. At that time a motion to uphold the Letter of Determination did not muster sufficient votes to pass and the Letter of Determination was upheld by operation of law. On Dec. 12, 2012, the Board voted 5-0 to grant the appellants' rehearing request.
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ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-006

BILL PASHELINSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	404 Jersey Street. Appealing the denial on Sept. 05, 2012, of Permit to Alter a Building (convert existing concrete slab into parking pad with new gate and curb cut). APPLICATION NO. 2011/12/15/0758. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY. Note: additional briefing is allowed for submittal of settlement documents / revised plans.
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(7B) APPEAL NO. V13-007

BILL PASHELINSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	404 Jersey Street. Appealing the denial on Aug. 14, 2012, of Rear Yard Variance (construct a 10 foot wide curb cut and off-street parking pad located within an open area on the subject property which qualifies as the required rear yard). CASE NO. 2012.0173V. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY. Note: additional briefing is allowed for submittal of settlement documents / revised plans.
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(8) APPEAL NO. 13-036

CHINE HUI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	865 El Camino Del Mar. Protesting the issuance on March 14, 2013, to Jennifer King & Timothy Fredel, Permit to Alter a Building (demolition of existing solarium on roof; interior renovation; replace existing windows as needed; repair and replace exterior shingles as necessary). APPLICATION NO. 2012/02/06/3645S. FOR HEARING TODAY.
---	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 17, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed

REGULAR MEETING, BOARD OF APPEALS, MAY 22, 2013 - PAGE 4

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting

room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 22, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Dr. Rajiv Bhatia, Director of Environmental Health, Department of Public Health, (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 15, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the May 15, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) SPECIAL ITEM:

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REGULAR MEETING, BOARD OF APPEALS, MAY 22, 2013 - PAGE 2

Presentation by Patrick Otellini, Director of Earthquake Safety at the General Services Agency, regarding proposed new legislation requiring retrofitting of multi-unit soft story buildings.

ACTION: Patrick Otellini spoke to the Board about new legislation addressing mandatory soft-story retrofitting as part of a thirty-year Community Action Plan for Seismic Safety.

SPEAKERS: Patrick Otellini, Director of Earthquake Safety, General Services Agency.

PUBLIC COMMENT: None.

(5) APPEAL NO. 13-035

GERARD DARIAN dba "ROOSTERTAIL RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Appealing the denial on March 14, 2013, of Noise Limit Variance. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0, to deny the appeal and uphold the denial of the variance for the reason stated in the Department of Public Health Order.

SPEAKERS: Gerard Darian, appellant; Tracy Green, agent for appellant; Dr. Rajiv Bhatia, DPH.

PUBLIC COMMENT: Michiko Yamada and Kevin Chin spoke in support of the Department of Public Health.

(6) APPEAL NO. 12-117

NICHOLAS ANDRADE & JAMES McDERMOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	498 Hoffman Avenue. Appealing a Letter of Determination dated Sept. 17, 2012, addressed to Allen Sowle, regarding the legal dwelling unit count for the subject property. FOR REHEARING TODAY. Public Hearing held and closed on Nov. 07, 2012. At that time a motion to uphold the Letter of Determination did not muster sufficient votes to pass and the Letter of Determination was upheld by operation of law. On Dec. 12, 2012, the Board voted 5-0 to grant the appellants' rehearing request.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

REGULAR MEETING, BOARD OF APPEALS, MAY 22, 2013 - PAGE 3

SPEAKERS: Allen Sowle, attorney for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-006

BILL PASHELINSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	404 Jersey Street. Appealing the denial on Sept. 05, 2012, of Permit to Alter a Building (convert existing concrete slab into parking pad with new gate and curb cut). APPLICATION NO. 2011/12/15/0758. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY. Note: additional briefing is allowed for submittal of settlement documents / revised plans.
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(7B) APPEAL NO. V13-007

BILL PASHELINSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	404 Jersey Street. Appealing the denial on Aug. 14, 2012, of Rear Yard Variance (construct a 10 foot wide curb cut and off-street parking pad located within an open area on the subject property which qualifies as the required rear yard). CASE NO. 2012.0173V. JURISDICTION GRANTED JAN. 16, 2013. FOR HEARING TODAY. Note: additional briefing is allowed for submittal of settlement documents / revised plans.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant both appeals, overrule both denials, issue the permit on the condition that it conforms to the revised plans dated May 15, 2013, and grant the variance on the basis that the revised project satisfies the five findings required under Planning Code Section 305(c). These actions were taken on the basis that the provision of the two parking spaces resolves the concerns.

SPEAKERS: Bill Pashelinsky, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-036

CHINE HUI, Appellant(s) vs.	865 El Camino Del Mar. Protesting the issuance on March 14, 2013, to
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REGULAR MEETING, BOARD OF APPEALS, MAY 22, 2013 - PAGE 4

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

Jennifer King & Timothy Fredel, Permit to
Alter a Building (demolition of existing
solarium on roof; interior renovation; replace
existing windows as needed; repair and
replace exterior shingles as necessary).
APPLICATION NO. 2012/02/06/3645S.
FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue this matter to June 19, 2013, to allow time for the Planning Department to recalculate the height of the proposed project.

SPEAKERS: Kimberly Huangfu, attorney for appellant; Samuel Kwong, agent for appellant; Alice Barkley, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Sanford Garfinkel spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:10 p.m.

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Pacheco, Vi... 10:13 ...
PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, May 24, 2013 10:13 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for May 29, 2013. The next regular meeting is scheduled for **WEDNESDAY, JUNE 05, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **May 24, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

05-24-13A10:24 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 05, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

05-31-13P12:32 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

MAY 31 2013

(3) **ADOPTION OF MINUTES:**

SAN FRANCISCO
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Discussion and possible adoption of the May 22, 2013 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 349 Banks Street. Letter from Vicki Shipkowitz, appellant, requesting rehearing of Appeal No. 13-034, Shipkowitz vs. ZA, decided May 08, 2013. At that time, the Board voted 5-0 to uphold the Zoning Administrator's Release of Suspension Request on the basis that the Zoning Administrator did not err or abuse his discretion. Subject Property Owner: Candu Capital Group LLC. ZA Order: asking that the suspension against BPA No. 2012/11/29/5100 be lifted for the reason that the Planning Commission has held a public hearing on the project and voted unanimously to not take DR and approve the project (comply with NOV No. 201275901; legalize construction of deck through the roof at 3rd floor built without benefit of permit.

REGULAR MEETING, BOARD OF APPEALS, JUNE 05, 2013 - PAGE 2

(5) APPEAL NO. 13-040

JAMES STEPHENS dba "SAUSAGE SLINGER", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	100 New Montgomery Street & 3151-3153 – 16 th Street. Appealing the revocation on March 20, 2013, of Mobile Food Facility Permit (sale of hot dogs, chips and soda). PERMIT NO. 11MFF-0070. FOR HEARING TODAY.
--	---

ITEMS 6A AND 6B SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 13-043

OMAR ZAAROUR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	785 Valencia Street. Appealing the imposition of penalty on March 27, 2013, for construction work done without a permit. APPLICATION NO. 2013/03/27/3171. FOR HEARING TODAY.
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(6B) APPEAL NO. 13-044

OMAR ZAAROUR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	570 Green Street. Appealing the imposition of penalty on March 27, 2013, for construction work done without a permit. APPLICATION NO. 2013/03/27/3175. FOR HEARING TODAY.
---	--

(7) APPEAL NO. 13-008

NICOLE WRIGHT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	264 Dolores Street aka 260-264 Dolores Street. Appealing a Notice of Violation & Penalty dated Jan. 05, 2013, addressed to Revocable Trust of Edward Litke and Wellness 264 Center, regarding allegations that the subject property is being used as an unauthorized commercial establishment in violation of the Planning Code. FOR HEARING TODAY. Note: briefing schedule re-instated by Board on April 10, 2013.
--	---

(8) APPEAL NO. V13-046

ALLISON PERRY, DOUGLAS KIERNAN, ELLIOTT PETRICKA & ROBERT WARREN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	639 Peralta Avenue. Protesting the granting on April 05, 2013, to Yakuh Askew, Front Setback, Dwelling Unit Exposure & Rear Yard Variances (construct new two-story, two-family dwelling on vacant lot). VARIANCE CASE NO. 2012.0852V. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 31, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed

REGULAR MEETING, BOARD OF APPEALS, JUNE 05, 2013 - PAGE 4

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the

REGULAR MEETING, BOARD OF APPEALS, JUNE 05, 2013 - PAGE 6

Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 5, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 22, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the May 22, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

GOVERNMENT
DOCUMENTS DEPT

JUN 21 2013

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REGULAR MEETING, BOARD OF APPEALS, JUNE 5, 2013 - PAGE 2

(4a) REHEARING REQUEST:

Subject property at 349 Banks Street. Letter from Vicki Shipkowitz, appellant, requesting rehearing of Appeal No. 13-034, Shipkowitz vs. ZA, decided May 08, 2013. At that time, the Board voted 5-0 to uphold the Zoning Administrator's Release of Suspension Request on the basis that the Zoning Administrator did not err or abuse his discretion. Subject Property Owner: Candu Capital Group LLC. ZA Order: asking that the suspension against BPA No. 2012/11/29/5100 be lifted for the reason that the Planning Commission has held a public hearing on the project and voted unanimously to not take DR and approve the project (comply with NOV No. 201275901; legalize construction of deck through the roof at 3rd floor built without benefit of permit.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the request.

SPEAKERS: Vicki Shipkowitz, requestor; Ritu Vohra, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 13-040

JAMES STEPHENS dba "SAUSAGE SLINGER", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	100 New Montgomery Street & 3151-3153 – 16th Street. Appealing the revocation on March 20, 2013, of Mobile Food Facility Permit (sale of hot dogs, chips and soda). PERMIT NO. 11MFF-0070. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to grant the appeal and (1) uphold the Department with respect to the revocation of the 16th Street location, and (2) overturn the Department with respect to the revocation of the New Montgomery location on the basis that there was no evidence in the record to support the revocation of the New Montgomery location and therefore there was lack of due process with respect to that location.

SPEAKERS: Mark Grossman, agent for appellant; James Stephens, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Haluk Kecelioglu spoke in support of the Department.

REGULAR MEETING, BOARD OF APPEALS, JUNE 5, 2013 - PAGE 3

ITEMS 6A AND 6B SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 13-043

OMAR ZAAROUR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	785 Valencia Street. Appealing the imposition of penalty on March 27, 2013, for construction work done without a permit. APPLICATION NO. 2013/03/27/3171. FOR HEARING TODAY.
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(6B) APPEAL NO. 13-044

OMAR ZAAROUR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	570 Green Street. Appealing the imposition of penalty on March 27, 2013, for construction work done without a permit. APPLICATION NO. 2013/03/27/3175. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to reduce the penalties to two (2) times the regular fee on the basis of the testimony provided by the Department.

SPEAKERS: Omar Zaarour, appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-008

NICOLE WRIGHT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	264 Dolores Street aka 260-264 Dolores Street. Appealing a Notice of Violation & Penalty dated Jan. 05, 2013, addressed to Revocable Trust of Edward Litke and Wellness 264 Center, regarding allegations that the subject property is being used as an unauthorized commercial establishment in violation of the Planning Code. FOR HEARING TODAY. Note: briefing schedule re-instated by Board on April 10, 2013.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the Notice of Violation and Penalty on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Nicole Wright, appellant; Scott Sanchez, ZA; Joseph Sacramento, attorney for subject property owner.

REGULAR MEETING, BOARD OF APPEALS, JUNE 5, 2013 - PAGE 4

PUBLIC COMMENT: Jonathan Black, Sara Diamond, Julie Kunz and Nikolai Kunz spoke in support of the Zoning Administrator. Trisha Beltz in support of the appellant.

(8) APPEAL NO. V13-046

ALLISON PERRY, DOUGLAS KIERNAN, ELLIOTT PETRICKA & ROBERT WARREN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	639 Peralta Avenue. Protesting the granting on April 05, 2013, to Yakuh Askew, Front Setback, Dwelling Unit Exposure & Rear Yard Variances (construct new two-story, two-family dwelling on vacant lot). VARIANCE CASE NO. 2012.0852V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reschedule this matter to July 10, 2013.

SPEAKERS: Allison Perry, appellant; Yakuh Askew, variance holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:20 p.m.

Inbox (2 Items)

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Today

Pacheco, Victor 12:26 PM
PUBLIC NOTICE

Quesada, Amy 9:44 AM

June 11, 2013 Port Com...

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, June 07, 2013 12:26 PM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];**P U B L I C N O T I C E**

The Board of Appeals has **NOT SCHEDULED** a meeting for June 12, 2013. The next regular meeting is scheduled for **WEDNESDAY, JUNE 19, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 07, 2013**

*Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885*

06-07-13P01:21

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Items 1 to 2 of 2

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 19, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

06-14-13P01:44 RCVD

(3) **ADOPTION OF MINUTES:**

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the June 05, 2013 minutes.

JUN 14 2013

(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 611 Buena Vista West Avenue. Letter from Susan Brandt-Hawley, attorney for Matthew & Kristine Leffers, appellants, requesting rehearing of Appeal No. 12-171, decided on May 15, 2013. At that time, the Board voted 3-2 to uphold the permit on condition that there be further setbacks at the front and back of the addition; four votes being required to overturn or modify any departmental action under the City Charter, the permit was upheld as is with no new conditions. Permit Holder: Martin Roscheisen. Project: one-story vertical addition to existing two-story residence; roof of 3rd story addition will include green roof; project will have a basement addition; BPA No. 2011/05/04/5332S.

(4b) **JURISDICTION REQUESTS:**

Subject property at 353-355-357-359 San Jose Avenue. Letter from Marolyn Allen & Thomas Church, requestors, asking that the Board take jurisdiction over BPA Nos. 2007/12/12/0282 and 2007/12/12/0285, which were both issued on April 24, 2012. The appeal periods ended on May 09, 2013, and the jurisdiction requests were filed at the Board office on May 29, 2013. Permit Holder: Adil Shaikh. Project, 1st permit: demolition of one-story, single-family dwelling. Project, 2nd permit: construction of four-story building with four-dwelling units.

(4c) ADOPTION OF FINDINGS:

Subject property at 2118-2128 Fillmore Street. Discussion and possible adoption of findings for Appeal No. 13-030, Mio Inc. vs. DBI, PDA, decided May 15, 2013. At that time, the Board voted 4-1 to overturn the permit with adoption of findings at a later time, on the basis that this permit was not validly issued, that the determination of formula retail use should be reconsidered, and that the one-year bar against re-application would not apply. Permit Holder: Monique Ramos. Project: tenant improvement remodel of existing retail space within existing mixed-use, multi-tenant building; renovation of ground level storefront façade for new retail establishment; no structural work; BPA No. 2013/03/01/1323.

(5) APPEAL NO. 13-056

WALTER HAAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1 Spruce Street. Protesting the issuance on April 25, 2013, to John Maniscalco & Mary Tesluk, Permit to Alter a Building (interior remodel and horizontal addition at rear on 1 st and 2 nd stories). APPLICATION NO. 2012/02/23/4708S. FOR HEARING TODAY.
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(6) APPEAL NO. 13-049

JACQUELINE HARRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	744 Carolina Street. Protesting the issuance on April 19, 2013, to William Wiebe, Permit to Alter a Building (remove cooking facilities [free standing gas stove/oven] to re-establish building as single-family dwelling as authorized by DBI; see attached floor plan). APPLICATION NO. 2013/04/19/5010. FOR HEARING TODAY.
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(7) APPEAL NO. 13-033

PAULA DATESH, Appellant(s) vs. ARTS COMMISSION, Respondent	Appealing the denial / non-renewal on March 21, 2013 of Street Artists Certificate. CERTIFICATE NO. 8663. FOR HEARING TODAY.
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(8) APPEAL NO. 13-052

GERALD & DALE SULLIVAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Eugenia Street frontage of property at 201 Bonview Street. Protesting the issuance on April 19, 2013 of an Order to approve removal of one smaller tree, and deny removal of one larger tree. ORDER NO. 181206. FOR HEARING TODAY.
--	--

(9) APPEAL NO. 13-048

WEST PORTAL MERCHANTS ASSOCIATION, Appellant(s) vs. POLICE DEPARTMENT, Respondent	162 West Portal Avenue. Protesting the issuance April 11, 2013, to Bay Area Gold & Silver Buyers LLC, Second Hand Dealer Permit (buy precious metals including gold, silver, platinum, palladium, scrap jewelry, coins and bullion). PERMIT NO. 143581. FOR HEARING TODAY.
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(10) APPEAL NO. 13-063

JASON PERKINS dba "BRICK AND MORTAR", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1710 Mission Street. Appealing the approval on May 21, 2013, of additional conditions against an existing Place of Entertainment Permit. PERMIT NO. EC-1052. FOR HEARING TODAY.
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ADJOURNMENT.

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REGULAR MEETING, BOARD OF APPEALS, JUNE 19, 2013 - PAGE 5

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

REGULAR MEETING, BOARD OF APPEALS, JUNE 19, 2013 - PAGE 6

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 19, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Lieutenant Mark Osuna, Permit Bureau, San Francisco Police Department (SFPD); Captain Curtis Lum, SFPD; Cammy Blackstone, Deputy Director, Entertainment Commission (EC); Howard Lazar, Program Director, Arts Commission (AC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

13 ABSENT: Commissioner Arcelia Hurtado.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

07-11-13PC3:09 RCVD

PUBLIC COMMENT: None

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the June 05, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to adopt the June 5, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 611 Buena Vista West Avenue. Letter from Susan Brandt-Hawley, attorney for Matthew & Kristine Leffers, appellants, requesting rehearing of Appeal No. 12-171, decided on May 15, 2013. At that time, the Board voted 3-2 to uphold the permit on condition that there be further setbacks at the front and back of the addition; four votes being required to overturn or modify any departmental action under the City Charter, the permit was upheld as is with no new conditions. Permit Holder: Martin Roscheisen. Project: one-story vertical addition to existing two-story residence; roof of 3rd story addition will include green roof; project will have a basement addition; BPA No. 2011/05/04/5332S.

ACTION: Upon motion by President Hwang, the Board voted 2-2-1 (Vice President Lazarus and Commissioner Fung dissented; Commissioner Hurtado absent) to grant the request. Lacking the four votes needed to pass, the motion failed. With no further motion made, the request was denied by operation of law.

SPEAKERS: Susan Brandt-Hawley, attorney for requestor; Samantha Senn, agent for requestor; Anna Shimko, attorney for permit holder; Stephanie Kiriakopolos, agent for permit holder.

PUBLIC COMMENT: Tim Stewart, Dan Leibsohn, Dona Crowder and Sue Rugtiv spoke in support of the appellants.

(4b) JURISDICTION REQUESTS:

Subject property at 353-355-357-359 San Jose Avenue. Letter from Marolyn Allen & Thomas Church, requestors, asking that the Board take jurisdiction over BPA Nos. 2007/12/12/0282 and 2007/12/12/0285, which were both issued on April 24, 2012. The appeal periods ended on May 09, 2013, and the jurisdiction requests were filed at the Board office on May 29, 2013. Permit Holder: Adil Shaikh. Project, 1st permit: demolition of one-story, single-family dwelling. Project, 2nd permit: construction of four-story building with four-dwelling units.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the requests.

SPEAKERS: Tom Church, requestor; Adil Shaikh, permit holder; David Foran, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(4c) ADOPTION OF FINDINGS:

Subject property at 2118-2128 Fillmore Street. Discussion and possible adoption of findings for Appeal No. 13-030, Mio Inc. vs. DBI, PDA, decided May 15, 2013. At that time, the Board voted 4-1 to overturn the permit with adoption of findings at a later time, on the basis that this permit was not validly issued, that the determination of formula retail use should be reconsidered, and that the one-year bar against re-application would not apply. Permit Holder: Monique Ramos. Project: tenant improvement remodel of existing retail space within existing mixed-use, multi-tenant building; renovation of ground level storefront façade for new retail establishment; no structural work; BPA No. 2013/03/01/1323.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Vice President Lazarus dissented and Commissioner Hurtado absent) to adopt the findings.

SPEAKERS: Mio Ota, appellant; Scott Sanchez, ZA; Joseph Duffy, DBI. The permit holder did not appear.

PUBLIC COMMENT: Thomas Reynolds spoke in support of the appellant.

(5) APPEAL NO. 13-056

WALTER HAAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1 Spruce Street. Protesting the issuance on April 25, 2013, to John Maniscalco & Mary Tesluk, Permit to Alter a Building (interior remodel and horizontal addition at rear on 1 st and 2 nd stories). APPLICATION NO. 2012/02/23/4708S. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal and uphold the permit on the condition that it be revised to reflect the plans dated June 13, 2013, on the basis of the agreement of the parties.

SPEAKERS: Scott Emblidge, attorney for appellant; John Maniscalco, permit holder.

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-049

JACQUELINE HARRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	744 Carolina Street. Protesting the issuance on April 19, 2013, to William Wiebe, Permit to Alter a Building (remove cooking facilities [free standing gas stove/oven] to re-establish building as single-family dwelling as authorized by DBI; see attached floor plan). APPLICATION NO. 2013/04/19/5010. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JUNE 19, 2013 - PAGE 4

ACTION: Withdrawn prior to hearing.

(7) APPEAL NO. 13-033

PAULA DATESH, Appellant(s) vs. ARTS COMMISSION, Respondent	Appealing the denial / non-renewal on March 21, 2013 of Street Artists Certificate. CERTIFICATE NO. 8663. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal, overturn the department and issue the permit on the basis that insufficient evidence was presented to support the denial.

SPEAKERS: Paula Datesh, appellant; Howard Lazar, AC.

PUBLIC COMMENT: Ray Hartz spoke in support of the appellant; John Tunui and John Nboli spoke in support of the department.

(8) APPEAL NO. 13-052

GERALD & DALE SULLIVAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Eugenia Street frontage of property at 201 Bonview Street. Protesting the issuance on April 19, 2013 of an Order to approve removal of one smaller tree, and deny removal of one larger tree. ORDER NO. 181206. FOR HEARING TODAY.
--	--

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to continue this matter to July 17, 2013 to allow Commissioner Hurtado to participate in the final vote.

SPEAKERS: Gerald Sullivan, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-048

WEST PORTAL MERCHANTS ASSOCIATION, Appellant(s) vs. POLICE DEPARTMENT, Respondent	162 West Portal Avenue. Protesting the issuance April 11, 2013, to Bay Area Gold & Silver Buyers LLC, Second Hand Dealer Permit (buy precious metals including gold, silver, platinum, palladium, scrap jewelry, coins and bullion). PERMIT NO. 143581. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JUNE 19, 2013 - PAGE 5

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hurtado absent) to grant the appeal, overturn the department and revoke the permit on the basis that there was defective notice at the time of issuance.

SPEAKERS: Lieutenant Mark Osuna, SFPD; Captain Curtis Lum, SFPD; Dan Kramer, agent for appellant. The permit holder did not appear.

PUBLIC COMMENT: Carolyn Johnston, Arthur Perkins, Emmett Miller, Avrum Shepard, Craig Schiller and Stacy Laurence spoke in support of the appellant.

(10) APPEAL NO. 13-063

JASON PERKINS dba "BRICK AND MORTAR", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1710 Mission Street. Appealing the approval on May 21, 2013, of additional conditions against an existing Place of Entertainment Permit. PERMIT NO. EC-1052. FOR HEARING TODAY.
--	--

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the department on the basis of the evidence submitted in the record.

SPEAKERS: Jason Perkins, appellant; Cammy Blackstone, EC.

PUBLIC COMMENT: Tim Dietz, Jim Gourgoutis, Lex Dietz, Dawn Holliday, Terrance Alan, Mark Rennie and Stefano Cassolato spoke in support of the department.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:30 p.m.

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Today

Pacheco, Victor 10:48 AM

PUBLIC NOTICE

Sent: Friday, June 21, 2013 10:48 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for June 26, 2013 or July 03, 2013. The next regular meeting is scheduled for **WEDNESDAY, JULY 10, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 21, 2013**

*Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885*

06-21-13A10:59 RCVD

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Items 1 to 1 of 1

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 10, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

JUL - 5 2013

Discussion and possible adoption of the June 19, 2013 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 865 Market Street. Letter from Mary Murphy, attorney for Westfield LLC, requestor, asking that the Board take jurisdiction over Mobile Food Facility Permit No. 11MFF-0061, which was issued on July 17, 2012; the 15-day appeal period expired on Aug. 01, 2012, and the jurisdiction request was filed at the Board office on May 13, 2013. Permit Holder: Kettle Corn Star. Project: sale of kettle corn, funnel cakes, waffles and lemonade.

(5) **APPEAL NO. V13-046**

ALLISON PERRY,
DOUGLAS KIERNAN,
ELLIOTT PETRICKA
& ROBERT WARREN, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

639 Peralta Avenue.

Protesting the granting on April 05, 2013, to Yakuh Askew, Front Setback, Dwelling Unit Exposure & Rear Yard Variances (construct new two-story, two-family dwelling on vacant lot).

VARIANCE CASE NO. 2012.0852V.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, JULY 10, 2013 - PAGE 2

(6) APPEAL NO. 13-059

GUILLERMO & GUISELDA GONZALEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2366 – 33 rd Avenue. Protesting the issuance on May 06, 2013, to Peter Sun, Permit to Alter a Building (two new bathrooms, one bedroom, storage room, tool room, and laundry area to be constructed at ground floor per plan; enclose new bedroom below sunroom at ground floor; remodel kitchen, 2 bathrooms, and add laundry/pantry at 2 nd floor; enclose light well partially at 2 nd and ground floors). APPLICATION NO. 2013/04/25/5494. FOR HEARING TODAY.
--	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 05, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 10, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

3 (1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: Paula Datesh displayed feathered objects on the overhead projector and stated to the Board that she made them.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

ACTION: President Hwang announced that she will be absent from the July 31, 2013 hearing.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 19, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the June 19, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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REGULAR MEETING, BOARD OF APPEALS, JULY 10, 2013 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 865 Market Street. Letter from Mary Murphy, attorney for Westfield LLC, requestor, asking that the Board take jurisdiction over Mobile Food Facility Permit No. 11MFF-0061, which was issued on July 17, 2012; the 15-day appeal period expired on Aug. 01, 2012, and the jurisdiction request was filed at the Board office on May 13, 2013. Permit Holder: Kettle Corn Star. Project: sale of kettle corn, funnel cakes, waffles and lemonade.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Commissioner Fung dissented) to deny the jurisdiction request.

SPEAKERS: Mary Murphy, attorney for requestor; Nicole DuBee, agent for requestor; Jack Huynh agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(5) APPEAL NO. V13-046

ALLISON PERRY,
DOUGLAS KIERNAN,
ELLIOTT PETRICKA
& ROBERT WARREN, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

639 Peralta Avenue.
Protesting the granting on April 05, 2013, to Yakuh Askew, Front Setback, Dwelling Unit Exposure & Rear Yard Variances (construct new two-story, two-family dwelling on vacant lot).
VARIANCE CASE NO. 2012.0852V.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Douglas Kiernan, appellant; Elliot Patricka, appellant; Yakuh Askew, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Brian Olson spoke in support of the appellants.

REGULAR MEETING, BOARD OF APPEALS, JULY 10, 2013 - PAGE 3

(6) APPEAL NO. 13-059

GUILLERMO & GUISELDA GONZALEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2366 – 33rd Avenue. Protesting the issuance on May 06, 2013, to Peter Sun, Permit to Alter a Building (two new bathrooms, one bedroom, storage room, tool room, and laundry area to be constructed at ground floor per plan; enclose new bedroom below sunroom at ground floor; remodel kitchen, 2 bathrooms, and add laundry/pantry at 2nd floor; enclose light well partially at 2nd and ground floors). APPLICATION NO. 2013/04/25/5494. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that the plans be revised to conform to the drawings dated July 3, 2013, that were submitted at the hearing, based on the agreement of the parties.

SPEAKERS: Guiselda Gonzales, appellant; Guillermo Gonzales, appellant; Peter Sun, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 17, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

07-12-13A11:00 RCVD

(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the July 10, 2013 minutes.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Street Artist Certificate denial / non-renewal. Letter from Tom DeCaigny, Director, Arts Commission, requesting rehearing of Appeal No. 13-033, Datesh vs. AC, decided June 19, 2013. At that time, the Board voted 4-0-1 (Commissioner Hurtado absent) to overrule the denial and issue the Street Artist Certificate with a finding that there was insufficient evidence to support the denial.

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 2

(5) APPEAL NO. 13-052

GERALD & DALE SULLIVAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Eugenia Street frontage of property at 201 Bonview Street. Protesting the issuance on April 19, 2013 of an Order to approve removal of one smaller tree, and deny removal of one larger tree. ORDER NO. 181206. PUBLIC HEARING HELD JUNE 19, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to July 17, 2013 to allow Commissioner Hurtado to participate in the final vote.
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(6) APPEAL NO. 13-051

NGA TU LAM, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	Appealing the sixty (60) day suspension on April 15, 2013, of Massage Practitioner Permit. DIRECTOR'S CASE NO. MSG-13-19. FOR HEARING TODAY.
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(7) APPEAL NO. 13-061

NANCY LUO dba "CLEMENT SERVICE CENTER", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	Appealing the revocation on May 13, 2013, of Massage Establishment Permit. DIRECTOR'S CASE NO. MSG-13-23. FOR HEARING TODAY.
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(8) APPEAL NO. 13-060

MARTIN DEAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	75 Mars Street. Protesting the issuance on May 14, 2013, to David Maxfield Otto Living Trust, Minor Sidewalk Encroachment Permit. PERMIT NO. 11MSE-0436. FOR HEARING TODAY.
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ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-064

JAMES KELLIHER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3930-3940 Judah Street. Protesting the issuance on May 16, 2013, to Other Avenues Food Store, Parklet Permit (50' long parklet consisting of slip resistant and accessible reclaimed wood deck with planter boxes, bike racks, wooden benches and tables for use by general public). PERMIT NO. 13PKT-0044. FOR HEARING TODAY.
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(9B) APPEAL NO. 13-065

JAMES KELLIHER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3930-3940 Judah Street. Protesting the issuance on May 16, 2013, to Other Avenues Food Store, Street Improvement Permit (construct one parklet). PERMIT NO. 13IE-0298. FOR HEARING TODAY.
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(10) APPEAL NO. 13-055

HUI WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	400 Avalon Avenue. Appealing the imposition of penalty on April 25, 2013, for construction work done without a permit. APPLICATION NO. 2013/04/24/5350. FOR HEARING TODAY.
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(11) APPEAL NO. 13-038

SLOVENIAN PROGRESSIVE HOME INCORPORATED, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2101 Mariposa Street. Appealing a Letter of Determination dated March 22, 2013, addressed to Robin Talmadge / Slovenian Progressive Home Inc., regarding whether the Slovenian Hall is a legal non-conforming entertainment use and commercial kitchen under the Planning Code. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 4

(12) APPEAL NO. 13-050

ANTHONY FERRI & PATRICK BEURTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	720 Carolina Street. Protesting the issuance on April 19, 2013, to William Wiebe, Permit to Alter a Building (remove cooking facilities for unpermitted dwelling unit [free standing gas stove/oven] to re-establish building as single-family dwelling as authorized by DBI). APPLICATION NO. 2013/04/19/5009. FOR HEARING TODAY.
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(13) APPEAL NO. 13-062

TWIN PEAKS EASTSIDE NEIGHBORHOOD ALLIANCE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	70 Crestline Drive. Protesting the issuance on May 15, 2013, to Shamus Naughten / Dolmen Property Group LLC, Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area). APPLICATION NO. 2009/08/25/5545S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 12, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 6

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 7

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. From the first settlers to the present day, the nation has evolved through various stages of development. The early years were marked by exploration and settlement, followed by a period of rapid expansion and industrialization. The American Revolution was a pivotal moment in the nation's history, leading to the establishment of a new government and the declaration of independence. The 19th century was a time of great change, with the Civil War and the Reconstruction era shaping the nation's future. The 20th century has been a period of significant progress, with the United States becoming a global superpower and a leader in science and technology.

The United States has a rich and diverse cultural heritage, with people from many different backgrounds and traditions. This diversity has been a source of strength and innovation for the nation. The American dream, the belief that anyone can achieve success through hard work and determination, is a central theme in the nation's history. The United States has played a leading role in the world, from the founding of the nation to the present day. It has been a force for good and progress, and its values and principles have inspired people around the world.

The history of the United States is a story of hope and possibility. It is a story of a nation that has overcome many challenges and achieved great things. The United States is a land of opportunity, where anyone can make their dreams come true. The history of the United States is a testament to the power of the human spirit and the ability of a nation to change and grow. The United States is a country that has shaped the world and will continue to shape the future.

BOARD OF APPEALS

GOVERNMENT
DOCUMENTS DEPT

CITY & COUNTY OF SAN FRANCISCO

AUG - 1 2013

MEETING MINUTES - WEDNESDAY, JULY 17, 2013

SAN FRANCISCO
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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Virginia Elizondo, Deputy City Attorney, OCA; Scott Sanchez, Zoning Administrator (ZA); Paul Chasan, Parklet Project Manager, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Nick Elsner, Senior Plan Checker, DPW BSM; Allan Pera, Environmental Health Technician, Department of Public Health (DPH); Ed Walsh, Senior Inspector (DPH); Will Tabajonda, Livable Streets Subdivision, Municipal Transportation Agency (MTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: Paula Datesh thanked the Board for reinstating her permit. She stated she had hoped the rehearing would have gone forward so she could address statements made by the Arts Commission. Diane Carpio spoke about the San Francisco Street Artists program and that more isn't done for the artists or to improve the program.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang announced she will be absent from the July 31, 2013 meeting.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 2

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the July 10, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the July 10, 2013 minutes.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Street Artist Certificate denial / non-renewal. Letter from Tom DeCaigny, Director, Arts Commission, requesting rehearing of Appeal No. 13-033, Datesh vs. AC, decided June 19, 2013. At that time, the Board voted 4-0-1 (Commissioner Hurtado absent) to overrule the denial and issue the Street Artist Certificate with a finding that there was insufficient evidence to support the denial.

ACTION: Withdrawn prior to hearing.

(5) APPEAL NO. 13-052

GERALD & DALE SULLIVAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Eugenia Street frontage of property at 201 Bonview Street. Protesting the issuance on April 19, 2013 of an Order to approve removal of one smaller tree, and deny removal of one larger tree. ORDER NO. 181206. PUBLIC HEARING HELD JUNE 19, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to July 17, 2013 to allow Commissioner Hurtado to participate in the final vote.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (President Hwang dissented) to grant the appeal and modify the Departmental Order to grant removal of the larger tree.

SPEAKERS: None.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 3

(6) APPEAL NO. 13-051

NGA TU LAM, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	Appealing the sixty (60) day suspension on April 15, 2013, of Massage Practitioner Permit. DIRECTOR'S CASE NO. MSG-13-19. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal and overturn the suspension on the basis that it is excessive, the fine is sufficient, and there is insufficient evidence in the record of illegal conduct.

SPEAKERS: Christopher Hall, attorney for appellant; Virginia Elizondo, attorney for DPH; Ed Walsh, DPH; Allan Pera, DPH.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-061

NANCY LUO dba "CLEMENT SERVICE CENTER", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	Appealing the revocation on May 13, 2013, of Massage Establishment Permit. DIRECTOR'S CASE NO. MSG-13-23. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue the matter to August 21, 2013.

SPEAKERS: Fred Baker, attorney for appellant; Virginia Elizondo, attorney for DPH.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-060

MARTIN DEAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	75 Mars Street. Protesting the issuance on May 14, 2013, to David Maxfield Otto Living Trust, Minor Sidewalk Encroachment Permit. PERMIT NO. 11MSE-0436. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (President Hwang dissented) to deny the appeal and uphold the permit on the basis that it was properly issued for the reasons stated in the DPW brief and DPW Order.

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 4

SPEAKERS: Martin Dean, appellant; David Otto, permit holder; Nick Elsner, DPW BSM; John Kwong, DPW BSM.

PUBLIC COMMENT: Tom Murphy spoke in support of the appellant.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-064

JAMES KELLIHER, Appellant(s)	3930-3940 Judah Street.
vs.	Protesting the issuance on May 16, 2013, to
DEPT. OF PUBLIC WORKS	Other Avenues Food Store, Parklet Permit
BUREAU OF STREET-USE & MAPPING,	(50' long parklet consisting of slip resistant
Respondent	and accessible reclaimed wood deck with
	planter boxes, bike racks, wooden benches
	and tables for use by general public).
	PERMIT NO. 13PKT-0044.
	FOR HEARING TODAY.

(9B) APPEAL NO. 13-065

JAMES KELLIHER, Appellant(s)	3930-3940 Judah Street.
vs.	Protesting the issuance on May 16, 2013, to
DEPT. OF PUBLIC WORKS	Other Avenues Food Store, Street
BUREAU OF STREET-USE & MAPPING,	Improvement Permit (construct one parklet).
Respondent	PERMIT NO. 13IE-0298.
	FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeals and uphold the permits on the basis that they comply with DPW Order No. 180921.

SPEAKERS: James Kelliher, appellant; Wayne Landers, agent for permit holder; JB Rumburg, agent for permit holder; Jonathan Odom, agent for permit holder; Jacob Feldman, agent for permit holder; Nick Elsner, DPW BSM; Will Tabajonda, SFMTA; Paul Chasan, PD.

PUBLIC COMMENT: Alvin Sered, Andrew Maxwell, David Catalano and Terry Fong spoke in support of the appellant. Terry Roller, Nancy Buffum, Joseph Zielinski, Kendon Anderson, Arnie Davis, Angelina Calderan, Ben Sheldon and Henry Karnilowicz spoke in support of the permit holder.

REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 5

(10) APPEAL NO. 13-055

HUI WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	400 Avalon Avenue. Appealing the imposition of penalty on April 25, 2013, for construction work done without a permit. APPLICATION NO. 2013/04/24/5350. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal and reduced the penalty to two (2) times the regular fee on the basis of Inspector Duffy's testimony.

SPEAKERS: Hui Wong, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) APPEAL NO. 13-038

SLOVENIAN PROGRESSIVE HOME INCORPORATED, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2101 Mariposa Street. Appealing a Letter of Determination dated March 22, 2013, addressed to Robin Talmadge / Slovenian Progressive Home Inc., regarding whether the Slovenian Hall is a legal non-conforming entertainment use and commercial kitchen under the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Robin Talmadge, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Bob Passmore spoke in support of the Zoning Administrator.

(12) APPEAL NO. 13-050

ANTHONY FERRI & PATRICK BEURTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	720 Carolina Street. Protesting the issuance on April 19, 2013, to William Wiebe, Permit to Alter a Building (remove cooking facilities for unpermitted dwelling unit [free standing gas stove/oven] to re-establish building as single-family dwelling as authorized by DBI). APPLICATION NO. 2013/04/19/5009. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JULY 17, 2013 - PAGE 6

ACTION: Upon motion by President Hwang, the Board voted 5-0 to reschedule this matter to July 31, 2013 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(13) APPEAL NO. 13-062

TWIN PEAKS EASTSIDE NEIGHBORHOOD ALLIANCE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	70 Crestline Drive. Protesting the issuance on May 15, 2013, to Shamus Naughten / Dolmen Property Group LLC, Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area). APPLICATION NO. 2009/08/25/5545S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents.

SPEAKERS: Donald Batemen, agent for appellant; Leonardo Zylberberg, agent for permit holder; Rodrigo Santos, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Robert Passmore, Lloyd Smith, Sheila Amiry, Kristen Kiley, Nancy O'Brien, Frank Pietronigro, Don Burman, John Hiykel, Grant Wilson, Karla Bravo, Adrian Bravo, Michael Streby and Martha Gorzycki spoke in support of the appellant. Henry Karnilowicz spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:40 p.m.

PUBLIC NOTICE - NO MEETING

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, July 19, 2013 10:25 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Bryan, Robert [robert.bryan@sfgov.org]; Chin, Jack [jack.chin@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Freeman, Michael [michael.freeman@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Grieco, Anthony [anthony.grieco@sfgov.org]; Hui, Tom [tom.hui@sfgov.org]; Kremenak, Charles [charles.kremenak@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; Lowrey, Daniel [daniel.lowrey@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

P U B L I C N O T I C E

24/13
replied

The Board of Appeals has **NOT SCHEDULED** a meeting for July 24, 2013. The next regular meeting is scheduled for **WEDNESDAY, JULY 31, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **July 19, 2013**

*Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885*

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JUL 19 2013

SAN FRANCISCO
PUBLIC LIBRARY



BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 31, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

07-26-13A10:40 RCVD

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of July 17, 2013 minutes.

GOVERNMENT
DOCUMENTS DEPT

JUL 26 2013

(4) **ADDENDUM ITEMS:**

SAN FRANCISCO
PUBLIC LIBRARY

(4a) **JURISDICTION REQUEST:**

Subject property at 706 Mission Street. Letter from Thomas Lippe, attorney for Friends of Yerba Buena, 765 Market Street Residential Owners Association et al., requestors, asking that the Board invoke subject matter jurisdiction over Planning Commission Motion No. 18877 (adoption of findings under PC §295, in consultation with the Recreation & Park Commission, that the net new shadow from the proposed project at 706 Mission Street will not have an adverse impact on Union Square) and Planning Commission Resolution No. 18876 (resolution to amend the PC §295 implementation memorandum adopted in 1989). Both Planning Commission actions under PC §295 are dated May 23, 2013; requestors attempted to appeal both actions and the companion PC §309 downtown high-rise authorization, but the Board office only accepted an appeal of the PC §309 motion, which is calendared for tonight as Appeal No. 13-070.

REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 2

(4b) JURISCTION REQUEST:

Subject property at 2508 – 19th Avenue. Letter from Eva Tang, requestor, asking that the Board take jurisdiction over BPA No. 2013/06/21/0186, which was issued on June 21, 2013; the appeal period ended on July 08, 2013 and the jurisdiction request was filed at the Board office on July 11, 2013. Permit Holder: Hui Cory Yu. Project: recommencement and completion of work approved under BPA No. 2002/03/13/1301 (to erect a three-story single-family dwelling).

(4c) JURISCTION REQUEST:

Subject property at 1980 Golden Gate Avenue. Letter from Raquel Fox, attorney for John Tynan, Kurt Mueller & Jason Thrupp, requestors, asking that the Board take jurisdiction over BPA No. 2013/05/16/7130, which was issued on June 24, 2013; the appeal period ended on July 09, 2013 and the jurisdiction request was filed at the Board office on July 15, 2013. Permit Holder: Urban Green Investments LLC. Project: revision to BPA No. 2012/10/29/2977; cost revision; unit 1998 need to replace entire slab and replace with structural slab; units 800-1, 802A, 804, 806A, 808 will need to replace floor joists under kitchens; all as per original plans.

(5) APPEAL NO. 13-066

GREGORY PETERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1360 Dolores Street. Protesting the issuance on May 16, 2013, to Emily & Aaron Quinn, Permit to Alter a Building (new one-story addition at front of building with new terrace at 2 nd floor; renovation of 1st floor bathroom; renovation of exterior landscaping, stairs and entry; no changes to north and west elevations). APPLICATION NO. 2012/02/23/4735. FOR HEARING TODAY.
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(6) APPEAL NO. 13-067

PATRICK BUSCOVICH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1045 Minna Street & 35-41 Lafayette Street. Appealing a Suspension Request dated May 16, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that BPA Nos. 2013/02/08/9771, 2012/11/19/4467, 2013/02/08/9775 and 2012/11/19/4468 be suspended because the Planning Department believes these permits (replace existing brick perimeter footing for both buildings) have exceeded the approved scope of work. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 3

(7) APPEAL NO. 13-070

FRIENDS OF YERBA BUENA, 765 MARKET STREET RESIDENTIAL OWNERS ASSOCIATION, MATTHEW SCHOENBERG, JOE FANG, MARGARET COLLINS, PAUL SEDWAY & RON WORNICK, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: 706 MISSION STREET LLC	706 Mission Street. Protesting the adoption of findings for a Planning Code §309 Determination of Compliance (rehabilitate existing 10-story, 144-foot tall building and construct a new, adjacent 43-story tower, reaching a roof height of 480 feet with a 30-foot tall mechanical penthouse). MOTION NO. 18894. FOR HEARING TODAY.
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(8) APPEAL NO. 13-089

JEFF & TRACEY SCHLARB, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2823-2827 Greenwich Street. Appealing a REVOCATION REQUEST dated July 15, 2013, requesting that ALTERATION PERMIT NOS. 2012/01/24/2796, 2012/04/18/8561, and 2013/06/18/9812 at the subject property be revoked because they were improperly issued and resulted in the removal of one dwelling unit without proper review under the Planning Code. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 26, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 5

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 6

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 31, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Thomas Owen, Deputy City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Kevin Guy, Planner, Planning Department (PD); Anthony Grieco, Chief Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Chris Hwang.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

06-15-13P01:20 RCVD

PUBLIC COMMENT: None.

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(2) COMMISSIONER COMMENTS & QUESTIONS:

AUG 15 2013

SPEAKERS: None.

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(3) ADOPTION OF MINUTES:

Discussion and possible adoption of July 17, 2013 minutes.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to adopt the July 17, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) JURISCTION REQUEST:

Subject property at 706 Mission Street. Letter from Thomas Lippe, attorney for Friends of Yerba Buena, 765 Market Street Residential Owners Association et al., requestors, asking that the Board invoke subject matter jurisdiction over Planning Commission Motion No. 18877 (adoption of findings under PC §295, in consultation with the Recreation & Park Commission, that the net new shadow from the proposed project at 706 Mission Street will not have an adverse impact on Union Square) and Planning Commission Resolution No. 18876 (resolution to amend the PC §295 implementation memorandum adopted in 1989). Both Planning Commission actions under PC §295 are dated May 23, 2013; requestors attempted to appeal both actions and the companion PC §309 downtown high-rise authorization, but the Board office only accepted an appeal of the PC §309 motion, which is calendared for tonight as Appeal No. 13-070.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the request.

SPEAKERS: Thomas Lippe, attorney for requestors; Margo Bradish, attorney for motion holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Enrique Ramirez, Mercedes Moreno, Gladys Soto, Arturo Carrillo and Pete Gollegos spoke in support of the motion holder.

(4b) JURISCTION REQUEST:

Subject property at 2508 – 19th Avenue. Letter from Eva Tang, requestor, asking that the Board take jurisdiction over BPA No. 2013/06/21/0186, which was issued on June 21, 2013; the appeal period ended on July 08, 2013 and the jurisdiction request was filed at the Board office on July 11, 2013. Permit Holder: Hui Cory Yu. Project: recommencement and completion of work approved under BPA No. 2002/03/13/1301 (to erect a three-story single-family dwelling).

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to reschedule this matter to August 14, 2013 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 3

(4c) JURISDICTION REQUEST:

Subject property at 1980 Golden Gate Avenue. Letter from Raquel Fox, attorney for John Tynan, Kurt Mueller & Jason Thrupp, requestors, asking that the Board take jurisdiction over BPA No. 2013/05/16/7130, which was issued on June 24, 2013; the appeal period ended on July 09, 2013 and the jurisdiction request was filed at the Board office on July 15, 2013. Permit Holder: Urban Green Investments LLC. Project: revision to BPA No. 2012/10/29/2977; cost revision; unit 1998 need to replace entire slab and replace with structural slab; units 800-1, 802A, 804, 806A, 808 will need to replace floor joists under kitchens; all as per original plans.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the request.

SPEAKERS: Deylin Thrift-Viveros, agent for requestors; Ryan Patterson, attorney for permit holder; Patrick Buscovich, agent for permit holder; Peter Comavoto, agent for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 13-066

GREGORY PETERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1360 Dolores Street. Protesting the issuance on May 16, 2013, to Emily & Aaron Quinn, Permit to Alter a Building (new one-story addition at front of building with new terrace at 2 nd floor; renovation of 1st floor bathroom; renovation of exterior landscaping, stairs and entry; no changes to north and west elevations). APPLICATION NO. 2012/02/23/4735. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Sangeetha Rao, attorney for appellant; Robert Noelke, agent for appellant; Gregory Peters, appellant; Denis Shanagher, attorney for permit holder; Michael Hom, agent for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, JULY 31, 2013 - PAGE 4

(6) APPEAL NO. 13-067

PATRICK BUSCOVICH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1045 Minna Street & 35-41 Lafayette Street. Appealing a Suspension Request dated May 16, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that BPA Nos. 2013/02/08/9771, 2012/11/19/4467, 2013/02/08/9775 and 2012/11/19/4468 be suspended because the Planning Department believes these permits (replace existing brick perimeter footing for both buildings) have exceeded the approved scope of work. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to reschedule this matter to August 14, 2013 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-070

FRIENDS OF YERBA BUENA, 765 MARKET STREET RESIDENTIAL OWNERS ASSOCIATION, MATTHEW SCHOENBERG, JOE FANG, MARGARET COLLINS, PAUL SEDWAY & RON WORNICK, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: 706 MISSION STREET LLC	706 Mission Street. Protesting the adoption of findings for a Planning Code §309 Determination of Compliance (rehabilitate existing 10-story, 144-foot tall building and construct a new, adjacent 43-story tower, reaching a roof height of 480 feet with a 30-foot tall mechanical penthouse). MOTION NO. 18894. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the Planning Commission determination on the basis that there was no error in interpretation of the Planning Code or abuse of discretion, and with the adoption of California Environmental Quality Act (CEQA) findings as read into the record.

SPEAKERS: Thomas Lippe, attorney for appellants; Margo Bradich, attorney for motion holder; Kevin Guy, PD.

PUBLIC COMMENT: Roberto Hernández and Rick Smith spoke in support of the motion holder.

(8) APPEAL NO. 13-089

JEFF & TRACEY SCHLARB, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2823-2827 Greenwich Street. Appealing a REVOCATION REQUEST dated July 15, 2013, requesting that ALTERATION PERMIT NOS. 2012/01/24/2796, 2012/04/18/8561, and 2013/06/18/9812 at the subject property be revoked because they were improperly issued and resulted in the removal of one dwelling unit without proper review under the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to grant the appeal, overrule the Zoning Administrator's Revocation Request and reinstate all three permits based on a finding that the Zoning Administrator erred in relying on the 1970 Certificate of Final Completion and Occupancy.

SPEAKERS: Brian Soriano, attorney for appellants; Jeff Schlarb, appellant; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: Trent Jackson, Evan Kletter and J.P. Guittard spoke in support of the appellants. Greg Hanson spoke in support of the Zoning Administrator.

ADJOURNMENT.

There being no further business, Vice President Lazarus adjourned the meeting at 8:15 p.m.



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Today

Pacheco, Victor 10:47 AM

PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, August 02, 2013 10:47 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for August 07, 2013. The next regular meeting is scheduled for **WEDNESDAY, AUGUST 14, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Aug. 02, 2013**

*Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885*

03-02-13A11:26 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 14, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

GOVERNMENT
DOCUMENTS DEPT

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

AUG - 9 2013

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the July 31, 2013 minutes.

08-09-13P12:12 RCVD

(4) **SPECIAL ITEM:**

Consideration and possible action to enter into a Memorandum of Understanding with the San Francisco Municipal Transportation Agency for the Board of Appeals to hear and decide appeals of certain individual permits and other taxi-related determinations.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 435-437 Potrero Avenue. Letter from Mica Ringel, requestor, asking that the Board take jurisdiction over a Zoning Administrator Letter of Legitimization, issued on June 04, 2013. The appeal period ended on June 19, 2013, and the jurisdiction request was filed on July 25, 2013. Subject Property Owner: F.W. Spencer & Son Inc. ZA Order: regarding a request to legitimize the existing "Internet Services Exchange" use on the entirety of both floors in the existing two-story building totaling approximately 10,000 gross square feet.

(5b) JURISDICTION REQUEST:

Subject property at 3166 – 16th Street. Letter from Valencia Corridor Merchants Association, requestor, asking that the Board take jurisdiction over a Zoning Administrator Letter of Determination, issued on Sept. 06, 2012. The appeal period ended on Sept. 21, 2012, and the jurisdiction request was filed on July 29, 2013. Determination Holder: Jack Spade. ZA Order: regarding whether the fashion retail business known as “Jack Spade” would be classified as a formula retail establishment under the Planning Code.

(5c) REHEARING REQUEST:

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board’s authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project’s effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S.

(6) APPEAL NO. V13-073

MEGHAN BLAKE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	225 Clipper Street. Appealing the DENIAL on June 14, 2013, of Front Setback and Screening of Off-Street Parking Variances (the proposal is to establish an off-street parking space in the front setback of the existing single family stucture). VARIANCE CASE NO. 2012.1328V. FOR HEARING TODAY.
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(7) APPEAL NO. 13-067

PATRICK BUSCOVICH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1045 Minna Street & 35-41 Lafayette Street. Appealing a SUSPENSION REQUEST dated May 16, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that BPA Nos. 2013/02/08/9771, 2012/11/19/4467, 2013/02/08/9775 and 2012/11/19/4468 be suspended because the Planning Department believes these permits (replace existing brick perimeter footing for both buildings) have exceeded the approved scope of work. FOR HEARING TODAY.
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Date posted: **Aug. 09, 2013**

MEMBERS OF THE BOARD OF APPEALS
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CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
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LOBBYING ACTIVITY

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 14, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Anthony Grieco, Chief Building Inspector, Department of Building Inspection (DBI); Christiane Hayashi, Deputy Director of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the July 31, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the July 31, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **SPECIAL ITEM:**

Consideration and possible action to enter into a Memorandum of Understanding with the San Francisco Municipal Transportation Agency for the Board of Appeals to hear and decide appeals of certain individual permits and other taxi-related determinations.

ACTION: After the SFMTA presentation, public comment and deliberation by the Board, no motion was made and no action taken.

SPEAKERS: Christiane Hayashi, SFMTA.

PUBLIC COMMENT: Tara Housman, Anne McVeigh, Carl Macmurdo and Mark Gruberg spoke in opposition to the proposed Memorandum of Understanding. Barry Taranto spoke in support of the Memorandum of Understanding.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 435-437 Potrero Avenue. Letter from Mica Ringel, requestor, asking that the Board take jurisdiction over a Zoning Administrator Letter of Legitimization, issued on June 04, 2013. The appeal period ended on June 19, 2013, and the jurisdiction request was filed on July 25, 2013. Subject Property Owner: F.W. Spencer & Son Inc. ZA Order: regarding a request to legitimize the existing "Internet Services Exchange" use on the entirety of both floors in the existing two-story building totaling approximately 10,000 gross square feet.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the Jurisdiction Request.

SPEAKERS: Mica Ringel, requestor; David Silverman, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Alicia Gamez described how names are listed by the Assessor/Recorder's Office for properties with multiple owners.

(5b) **JURISDICTION REQUEST:**

Subject property at 3166 – 16th Street. Letter from Valencia Corridor Merchants Association, requestor, asking that the Board take jurisdiction over a Zoning Administrator Letter of Determination, issued on Sept. 06, 2012. The appeal period ended on Sept. 21, 2012, and the jurisdiction request was filed on July 29, 2013. Determination Holder: Jack Spade. ZA Order: regarding whether the fashion retail business known as "Jack Spade" would be classified as a formula retail establishment under the Planning Code.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the Jurisdiction Request.

REGULAR MEETING, BOARD OF APPEALS, AUGUST 14, 2013 - PAGE 3

SPEAKERS: Jefferson McCarley, agent for requestor; Melissa Xides, agent for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Jeremy Paul, Dema Grim, Deena Davenport, Andy Blue, Kyle Smealliz, Marc Salomon, Blazy Culbertson, Haley Lynn, Brooke Cooley, Alicia Gamez, Benjamin Wacks, Arin Fishkin, Jeff Segue, Kelly Gallamore, Skot Kuiper, Erick Arguello and Eileen Hassi spoke in support of the requestor. Michael Gardner, Carmen Castillo, Benjamin, Nat Cutler and Lindsey Lebalch spoke in support of the determination holder.

(5c) REHEARING REQUEST:

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to the Call of the Chair pending the resolution of the subdivision issue.

SPEAKERS: Daniel Frattin, attorney for requestor; Donald Bateman, agent for appellant; Rodrigo Santos, agent for requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: Nancy O'Brien, Don Burman, Martha Gorzycki and John Hiykel spoke in support of the appellant.

(6) APPEAL NO. V13-073

MEGHAN BLAKE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	225 Clipper Street. Appealing the DENIAL on June 14, 2013, of Front Setback and Screening of Off-Street Parking Variances (the proposal is to establish an off-street parking space in the front setback of the existing single family stucture). VARIANCE CASE NO. 2012.1328V. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 14, 2013 - PAGE 4

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the denial of the variance on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Ian Murray, agent for appellant; Meghan Blake, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-067

PATRICK BUSCOVICH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1045 Minna Street & 35-41 Lafayette Street. Appealing a SUSPENSION REQUEST dated May 16, 2013, addressed to Dept. of Building Inspection Acting Director Tom Hui, asking that BPA Nos. 2013/02/08/9771, 2012/11/19/4467, 2013/02/08/9775 and 2012/11/19/4468 be suspended because the Planning Department believes these permits (replace existing brick perimeter footing for both buildings) have exceeded the approved scope of work. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 reschedule this matter to October 9, 2013, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 21, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

08-16-13A11:54 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the August 14, 2013 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 1980 Golden Gate Avenue. Letter from Raquel Fox, attorney for John Tynan, Kurt Mueller & Jason Thrupp, requestors, asking that the Board take jurisdiction over BPA No. 2012/10/29/2977, which was issued on April 18, 2013; the appeal period ended on May 03, 2013 and the jurisdiction request was filed at the Board office on Aug. 05, 2013. Permit Holder: Urban Green Investments LLC. Project: repair wood frame in basement; replace retaining wall in basement; rebuild one bay window).

(5) APPEAL NO. 13-061

NANCY LUO dba "CLEMENT SERVICE CENTER", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	311 – 12 th Avenue. Appealing the REVOCATION on May 13, 2013, of Massage Establishment Permit. DIRECTOR'S CASE NO. MSG-13-23. FOR HEARING TODAY.
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(6) APPEAL NO. 13-077

TRINITY PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1190 Mission Street. Appealing the DENIAL on June 12, 2013, of a request to forgo planting ten (10) street trees adjacent to the subject property as required per Board decision in Appeal No. 12-064. FOR HEARING TODAY.
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(7) APPEAL NO. 13-080

BETTY WILKINSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1710-1738 Diamond Street. Appealing the ISSUANCE on June 21, 2013, to Joel Roos, Tree Removal Permit (removal of four street trees with four compatible replacement street trees, and requirement to plant four extra trees in open space across from subject property). ORDER NO. 181411. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 21, 2013 - PAGE 3

(8) APPEAL NO. 13-036

CHINE HUI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	865 El Camino Del Mar. Protesting the ISSUANCE on March 14, 2013, to Jennifer King & Timothy Fredel, Permit to Alter a Building (demolition of existing solarium on roof; interior renovation; replace existing windows as needed; repair and replace exterior shingles as necessary). APPLICATION NO. 2012/02/06/3645S. PUBLIC HEARING HELD ON MAY 22, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for the Planning Dept. to re-calculate the height of the subject building; additional briefing is allowed.
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(9) APPEAL NO. 13-057

DAVID & NILOUFER KING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4162 & 4164 – 26 th Street. Protesting the ISSUANCE on May 08, 2013, to Tony Szeto & Annie Kong, Permit to Alter a Building (3 rd story vertical addition and one-story horizontal addition, interior remodel, structural upgrade, plumbing and electrical work). APPLICATION NO. 2012/06/19/2903S. FOR HEARING TODAY.
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ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) APPEAL NO. 13-081

JONATHAN PLOTZKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3166 - 16th Street. Protesting the ISSUANCE on June 14, 2013, to Jack Spade Store, Alteration Permit (interior non-structural demolition of dropped ceiling, lighting, existing non-compliant restroom in vacant retail store; accessibility requirements will be addressed in subsequent tenant improvements per SFBC AB-017). APPLICATION NO. 2013/06/07/8955 FOR HEARING TODAY.
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(10B) APPEAL NO. 13-082

JONATHAN PLOTZKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3166 - 16th Street. Protesting the ISSUANCE on June 26, 2013, to Jack Spade Store, Alteration Permit (interior non-structural renovation; new partitions, power lighting, mechanical system and new accessible restroom and dressing room; storefront to remain as is with repainting and minor repairs only). APPLICATION NO. 2013/06/24/0254 FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 16, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 21, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Virginia Elizondo, Deputy City Attorney, (OCA); Scott Sanchez, Zoning Administrator (ZA); Anthony Grieco, Chief Building Inspector, Department of Building Inspection (DBI); Ed Walsh, Senior Inspector, Department of Public Health (DPH); Brian Peagler, Special Investigations Division, Gang Task Force, San Francisco Police Department (SFPD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 14, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the August 14, 2013, 2013 minutes.

SPEAKERS: None.

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REGULAR MEETING, BOARD OF APPEALS, AUGUST 21, 2013 - PAGE 2

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 1980 Golden Gate Avenue. Letter from Raquel Fox, attorney for John Tynan, Kurt Mueller & Jason Thrupp, requestors, asking that the Board take jurisdiction over BPA No. 2012/10/29/2977, which was issued on April 18, 2013; the appeal period ended on May 03, 2013 and the jurisdiction request was filed at the Board office on Aug. 05, 2013. Permit Holder: Urban Green Investments LLC. Project: repair wood frame in basement; replace retaining wall in basement; rebuild one bay window).

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to grant the Jurisdiction Request.

SPEAKERS: Raquel Fox, attorney for requestors; John Tynan, co-requestor; Ryan Patterson, attorney for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 13-061

NANCY LUO dba "CLEMENT SERVICE CENTER", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	311 – 12 th Avenue. Appealing the REVOCATION on May 13, 2013, of Massage Establishment Permit. DIRECTOR'S CASE NO. MSG-13-23. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the revocation on the basis that said revocation is more than appropriate under the circumstances.

SPEAKERS: Nancy Luo, appellant; Fred Baker, attorney for appellant; Ed Walsh (DPH); Brian Peagler, (SFPD); Virginia Elizondo, (OCA).

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-077

TRINITY PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1190 Mission Street. Appealing the DENIAL on June 12, 2013, of a request to forgo planting ten (10) street trees adjacent to the subject property as required per Board decision in Appeal No. 12-064. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 21, 2013 - PAGE 3

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and to allow the Department of Public Works Bureau of Urban Forestry to work with the appellant on the planting of these three (3) trees on 8th Street and if that is not possible to allow the Department of Public Works, Bureau of Urban Forestry to impose in-lieu fees as per Article 16 of the Public Works Code.

SPEAKERS: Nick Jamuelson, agent for appellant; Steve Ronzone agent for appellant; Carla Short (DPW-BUF).

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-080

BETTY WILKINSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1710-1738 Diamond Street. Appealing the ISSUANCE on June 21, 2013, to Joel Roos, Tree Removal Permit (removal of four street trees with four compatible replacement street trees, and requirement to plant four extra trees in open space across from subject property). ORDER NO. 181411. FOR HEARING TODAY.
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ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-036

CHINE HUI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	865 El Camino Del Mar. Protesting the ISSUANCE on March 14, 2013, to Jennifer King & Timothy Fredel, Permit to Alter a Building (demolition of existing solarium on roof; interior renovation; replace existing windows as needed; repair and replace exterior shingles as necessary). APPLICATION NO. 2012/02/06/3645S. PUBLIC HEARING HELD ON MAY 22, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for the Planning Dept. to re-calculate the height of the subject building; additional briefing is allowed.
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 21, 2013 - PAGE 4

ACTION: Upon motion by President Hwang, the Board voted 5-0 to uphold the permit with the adoption of revised plans dated July 26, 2013.

SPEAKERS: Kimberly Huangfu, attorney for appellant; Samuel Kwong, agent for appellant; Alice Barkley, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-057

DAVID & NILOUFER KING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4162 & 4164 – 26 th Street. Protesting the ISSUANCE on May 08, 2013, to Tony Szeto & Annie Kong, Permit to Alter a Building (3 rd story vertical addition and one- story horizontal addition, interior remodel, structural upgrade, plumbing and electrical work). APPLICATION NO. 2012/06/19/2903S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to September 11, 2013, to allow the permit holder to submit the approved plans to the Board; said plans are due one Thursday prior to the hearing with eleven (11) sets to the Board's office and a copy to appellants.

SPEAKERS: David King, co-appellant; Annie Kong, co-permit holder; Ross Levy, agent for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: Helen Loeser spoke in support of the appellants.

ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) APPEAL NO. 13-081

JONATHAN PLOTZKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3166 - 16th Street. Protesting the ISSUANCE on June 14, 2013, to Jack Spade Store, Alteration Permit (interior non-structural demolition of dropped ceiling, lighting, existing non-compliant restroom in vacant retail store; accessibility requirements will be addressed in subsequent tenant improvements per SFBC AB-017). APPLICATION NO. 2013/06/07/8955 FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 21, 2013 - PAGE 5

(10B) APPEAL NO. 13-082

JONATHAN PLOTZKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3166 - 16th Street. Protesting the ISSUANCE on June 26, 2013, to Jack Spade Store, Alteration Permit (interior non-structural renovation; new partitions, power lighting, mechanical system and new accessible restroom and dressing room; storefront to remain as is with repainting and minor repairs only). APPLICATION NO. 2013/06/24/0254 FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 3-2 (Vice President Lazarus and Commissioner Fung dissented) to grant both appeals and revoke both permits with a finding of negative effect on the surrounding businesses and community and on the basis of the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code. Lacking the four votes needed to overturn a departmental action and with no further motion made, the permits were upheld by operation of law.

SPEAKERS: Jefferson McCarley, agent for appellant; Alicia Gamez, attorney for appellant; Phil Lesser, agent for permit holder; Melissa Xides, agent for permit holder; Marcelyn Staley, permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: Haley Lynn, River Vargas Culbertson, Breezy Culbertson, Jeff Ray, Andy Blue, Neil Martinson, Kyle Smeallie, Gabriel Medina, Savannah Culbertson, Alan Beatts, Michael Katz, Andrew McKinley, Wayne Whelan, Robert Patterson, Don Alan, Celeste Rogers, Brett Loukspeisor, Jake Barlow, Lauren Brunsuik, Rebekah Kony-Ghadosh and Signy Toquinto spoke in support of the appellant.

Michael Gardner, Paul Stoll, Sasha Wingate, Jonah Buffa, Benny Gold, Nat Cutler and Eric Muhlebale spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:30 p.m.



P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for Aug. 28, 2013 or Sept. 04, 2013. The next regular meeting is scheduled for **WEDNESDAY, SEPT. 11, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

8/13,
1/13
cancelled
Date Posted: **Aug. 23, 2013**

08-23-13 10:55 AM

GOVERNMENT
DOCUMENTS DEPT

AUG 23 2013

SAN FRANCISCO
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 11, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

09-06-13A10:52 RCVD

(3) ADOPTION OF MINUTES:

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the August 21, 2013 minutes.

SEP - 6 2013

(4) ADDENDUM ITEMS:

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(4a) JURISDICTION REQUEST:

Subject property at 1521-1531 Jones Street. Letter from Stephen Williams, attorney for Lindbergh Low & Eva Chan Low, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/06/8900, which was issued on June 10, 2013; the appeal period ended on June 25, 2013 and the jurisdiction request was filed at the Board office on Aug. 26, 2013. Permit Holder: Matthew Wren. Project: shoring plan and foundation replacement.

(5) APPEAL NO. 13-085

SHASHA LEWIS
dba "OLA'S EXOTIC COFFEE
& TEA & OAK & BBQ", Appellant(s)

vs.

DEPT. OF PUBLIC WORKS
BUREAU OF STREET-USE & MAPPING,
Respondent

2801 Leavenworth Street.
Appealing the DENIAL on June 27, 2013,
of a Mobile Food Facility Permit (sale of
coffee, tea, and sweets).
APPLICATION NO. 13MFF-0082
FOR HEARING TODAY.

(6) APPEAL NO. 13-112

LORAE LAURITCH & COURTNEY UTT, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	620 Jones Street. Protesting the ISSUANCE on August 20, 2013, to Peter Glikshtern, AMENDMENT TO LIMITED LIVE PERFORMANCE PERMIT (amendments to existing permit to allow live entertainment Tuesdays through Saturdays until 10pm indoors only; and to allow live entertainment indoors and outdoors on Sundays from 11am to 4pm for 90-day trial period). APPLICATION NO. EC-1172LLP FOR HEARING TODAY.
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(7) APPEAL NO. 13-057

DAVID & NILOUFER KING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4162 & 4164 – 26th Street. Protesting the ISSUANCE on May 08, 2013, to Tony Szeto & Annie Kong, Permit to Alter a Building (3rd story vertical addition and one-story horizontal addition, interior remodel, structural upgrade, plumbing and electrical work). APPLICATION NO. 2012/06/19/2903S. PUBLIC HEARING HELD ON AUGUST 21, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit the approved plans; no additional briefing allowed.
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(8) APPEAL NO. 13-091

FRANCIS DEROSA & JANICE ROUDEBUSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 El Camino Del Mar. Protesting the ISSUANCE on July 10, 2013, to Michelle Guest Carter, Alteration Permit (remodel and addition to existing single-family residence; project scope includes conversion of basement into habitable space, interior remodel, and horizontal addition at first and second floors; scope also includes new roof penthouse, 500sf roof deck, kitchen remodel and one new bathroom). APPLICATION NO. 2013/02/19/0440S FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 06, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

OCT 25 2013

SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, SEPTEMBER 11, 2013****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Jocelyn Kane, Executive Director, Entertainment Commission (EC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Lazarus announced that she will be absent from the September 18, 2013 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 21, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the August 21, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 1521-1531 Jones Street. Letter from Stephen Williams, attorney for Lindbergh Low & Eva Chan Low, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/06/8900, which was issued on June 10, 2013; the appeal period ended on June 25, 2013 and the jurisdiction request was filed at the Board office on Aug. 26, 2013. Permit Holder: Matthew Wren. Project: shoring plan and foundation replacement.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the Jurisdiction Request.

SPEAKERS: Stephen Williams, attorney for requestor; Matthew Wren, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-085**

SHASHA LEWIS dba "OLA'S EXOTIC COFFEE & TEA & OAK & BBQ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2801 Leavenworth Street. Appealing the DENIAL on June 27, 2013, of a Mobile Food Facility Permit (sale of coffee, tea, and sweets). APPLICATION NO. 13MFF-0082 FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue this appeal to October 23, 2013, to allow the Department of Public Health (DPH) to provide information to the Board on the status of the permit holder's sanitation certification and the chronology of the appellant's interactions with DPH, as well as to allow the appellant to submit a declaration and exhibits regarding sales activity at the site. DPW is allowed up to five pages of briefing in response to the appellant's submittal.

SPEAKERS: Anne-Marie Dao, attorney for appellant; Shasha Lewis, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Douglas Robbins, Troy Campbell and Leyla Pasic spoke in support of the Department.

(6) APPEAL NO. 13-112

LORAE LAURITCH & COURTNEY UTT, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	620 Jones Street. Protesting the ISSUANCE on August 20, 2013, to Peter Glikshtern, AMENDMENT TO LIMITED LIVE PERFORMANCE PERMIT (amendments to existing permit to allow live entertainment Tuesdays through Saturdays until 10pm indoors only; and to allow live entertainment indoors and outdoors on Sundays from 11am to 4pm for 90-day trial period). APPLICATION NO. EC-1172LLP FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 3-2 (Commissioner Fung and Commissioner Honda dissented) to deny the appeal and uphold the permit amendments on the basis that the amendments are Code compliant.

SPEAKERS: Courtney Utt, appellant; Loraе Lauritch, appellant; Peter Glikshtern, permit holder; Jordan Langer, agent for permit holder; Jocelyn Kane, EC.

PUBLIC COMMENT: Michael Pace spoke in support of the appellant. Lanie Eichler, Melissa Lee and Kemp Remillard spoke in support of the permit holder.

(7) APPEAL NO. 13-057

DAVID & NILOUFER KING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4162 & 4164 – 26 th Street. Protesting the ISSUANCE on May 08, 2013, to Tony Szeto & Annie Kong, Permit to Alter a Building (3 rd story vertical addition and one-story horizontal addition, interior remodel, structural upgrade, plumbing and electrical work). APPLICATION NO. 2012/06/19/2903S. PUBLIC HEARING HELD ON AUGUST 21, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit the approved plans; no additional briefing allowed.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant and that the residential design was confirmed by the Planning Department.

SPEAKERS: David King, appellant; Ross Levy, agent for permit holder; Scott Sanchez, ZA.

REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 11, 2013 - PAGE 4

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-091

FRANCIS DEROSA & JANICE ROUDEBUSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 El Camino Del Mar. Protesting the ISSUANCE on July 10, 2013, to Michelle Guest Carter, Alteration Permit (remodel and addition to existing single-family residence; project scope includes conversion of basement into habitable space, interior remodel, and horizontal addition at first and second floors; scope also includes new roof penthouse, 500sf roof deck, kitchen remodel and one new bathroom). APPLICATION NO. 2013/02/19/0440S FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that it be revised to conform to the plans dated August 21, 2013 and on the basis of the agreement of the parties and that the revised plans were reviewed by the Planning Department.

SPEAKERS: Francis DeRosa, appellant; Mark English, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:40 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

09-13-13A11:07 RCVD

(2) COMMISSIONER COMMENTS & QUESTIONS:

GOVERNMENT
DOCUMENTS DEPT

SEP 13 2013

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the September 11, 2013 minutes.

(4) APPEAL NO. 13-058

ALI REZA EBRAHIMI & BRYAN FINOKI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1094 Bush Street. Protesting the ISSUANCE on May 09, 2013, to Milton O'Brien, Permit to Alter a Building (revision to BPA No. 2013/01/17/8234; to reflect ceiling detail from previous permit BPA No. 2012/12/14/6301). APPLICATION NO. 2013/05/07/6360. FOR HEARING TODAY.
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ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-095

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-096

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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(5C) APPEAL NO. 13-097

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5D) APPEAL NO. 13-098

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **Sept. 13, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, SEPTEMBER 18, 2013****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

PRESENT: President Chris Hwang, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Ann Lazarus.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 11, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to adopt the September 11, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) APPEAL NO. 13-058

ALI REZA EBRAHIMI & BRYAN FINOKI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1094 Bush Street. Protesting the ISSUANCE on May 09, 2013, to Milton O'Brien, Permit to Alter a Building (revision to BPA No. 2013/01/17/8234; to reflect ceiling detail from previous permit BPA No. 2012/12/14/6301). APPLICATION NO. 2013/05/07/6360. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to continue this matter to November 13, 2013 to allow the permit holder to submit the approved plans to the Board and to give both parties the opportunity to conduct acoustical testing and submit the results to the Board. Additional briefing is also allowed.

SPEAKERS: Ali Reza Ebrahimi, appellant; Milton O'Brien, permit holder; Jack McMahon agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-095

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-096

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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(5C) APPEAL NO. 13-097

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5D) APPEAL NO. 13-098

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to continue all four (4) appeals to the Board's Call of the Chair calendar to allow the California Environmental Quality Act (CEQA) appeal filed with the San Francisco Board of Supervisors to be resolved.

SPEAKERS: Stephen Williams, attorney for appellant Alicia Gamez; Stephanie Weisman, agent for appellant The Marsh; Mark Rutherford, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 6:15 p.m.

Inbox (1 Items)

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Today

Pacheco, Victor 10:00 AM

PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, September 20, 2013 10:00 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];**P U B L I C N O T I C E**

The Board of Appeals has **NOT SCHEDULED** meetings for Sept. 25, 2013 or Oct. 02, 2013. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 09, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Sept. 20, 2013**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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Items 1 to 1 of 1

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 09, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of September 18, 2013 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **JURISDICTION REQUEST:**

Subject property at 2652 Chestnut Street. Letter from Tracy Zill, attorney for Zack Rogers, requestor, asking that the Board take jurisdiction over BPA No. 2009/06/05/9880S, which was issued on Nov. 06, 2012; the appeal period ended on Nov. 21, 2012 and the jurisdiction request was filed at the Board office on Sept. 04, 2013. Permit Holder: Ronald Sires. Project: one story vertical addition with access to roof; expand garage; remodel rooms; change full bath to ½ bath at 2nd floor; new bathrooms, new bedrooms and master suite at 3rd floor. **Note:** On Jan. 09, 2013, in Appeal 12-144 filed by Richard and Denise Wall, the Board upheld this permit on the basis that the Planning Code § 311 notice had not expired and on a further basis that this permit was properly issued.

(4b) REHEARING REQUESTS:

Subject property at 3166 – 16th Street. Letter from Jonathan Plotzker, appellant, requesting rehearing of Appeal Nos. 13-081/082, Plotzker vs. DBI, decided Aug. 21, 2013. At that time, the Board voted 3-2 (Vice President Lazarus and Commissioner Fung dissented) to grant both appeals and revoke both permits with a finding of negative effect on the surrounding businesses and community and on the basis of the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code. Lacking the four votes needed to overturn a departmental action and with no further motion made, the permits were upheld by operation of law. Permit Holder: Jack Spade. Project, 1st permit: interior non-structural demolition of dropped ceiling, lighting, existing non-compliant restroom in vacant retail store; accessibility requirements will be addressed in subsequent tenant improvements per SFBC AB-017; BPA No. 2013/06/07/8955. Project, 2nd permit: interior non-structural renovation; new partitions, power lighting, mechanical system and new accessible restroom and dressing room; storefront to remain as is with repainting and minor repairs only; BPA No. 2013/06/24/0254.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-104

CALA FOODS INC. dba "FOODS CO.", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	345 Williams Avenue. Protesting the ISSUANCE on August 02, 2013, to LaMark McCullough, Mobile Food Facility Permit (sale of breakfast sandwiches, mixed coffee, drinks, fried chicken, hamburgers, hotdogs, hot links, tacos, pizza rotisserie chicken, fish sticks, deli sandwiches, burritos, Philly cheese steak, rice, baked potato, cold beverages, teas, juices, salads, BBQ ribs, French fries, yogurt and bread). PERMIT NO. 12MFF-0010. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-106

LAMARK MCCULLOUGH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	345 Williams Avenue. Appealing the CONDITIONS IMPOSED on August 02, 2013, on a Mobile Food Facility Permit (sale of breakfast sandwiches, mixed coffee, drinks, fried chicken, hamburgers, hotdogs, hot links, tacos, pizza rotisserie chicken, fish sticks, deli sandwiches, burritos, Philly cheese steak, rice, baked potato, cold beverages, teas, juices, salads, BBQ ribs, French fries, yogurt and bread). APPLICATION NO. 12MFFF-0010. FOR HEARING TODAY.
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(6) APPEAL NO. 13-100

ROBERT D'HONDT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	23 Topaz Way. Protesting the ISSUANCE on July 31, 2013, to Jim & Elaine Kohn, Alteration Permit (obtain building permit to make repairs to front porch tile stairs and shingle siding on both sides; approx. 160sf of water damaged siding; to tile front porch in kind; less than 50% repair; comply with NOV No. 201314541). APPLICATION NO. 2013/07/31/3225. FOR HEARING TODAY.
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(7) APPEAL NO. 13-101

LAUREN STANDIG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4515 - 20th Street. Protesting the ISSUANCE on July 30, 2013, to Will Lavery, Alteration Permit (new stairs to roof; new stair penthouse and roof deck including glass guard rail 42" and 42" parapet). APPLICATION NO. 2010/11/03/4284"S". FOR HEARING TODAY.
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(8) APPEAL NO. 13-102

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, OCTOBER 09, 2013 - PAGE 4

ITEMS (9A), (9B) AND (9C) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-103

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 02, 2013, to Steve Minisini, Alteration Permit (consolidation of work previously approved on BPA Nos. 2011/10/14/6891, 2012/01/18/2486, 2012/03/23/6788, and 2012/11/20/4610; additional scope to include replacement in-kind of singular glazed windows with double glazed wood windows; reconfigure windows, enlarge windows; replace front stair in-kind with stone stair, exterior railing; replace fireplace; add rear yard fence; enlarge curb cut and other work). APPLICATION NO. 2013/03/22/2867. FOR HEARING TODAY.
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(9B) APPEAL NO. 13-113

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. FOR HEARING TODAY.
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(9C) APPEAL NO. 13-121

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	68 Presidio Avenue. Protesting the ISSUANCE on August 30, 2013, to Steve Minisini, Alteration Permit (install new fire sprinkler system throughout the residence including new 2' fire service; total heads 62) at 68 Presidio Avenue. APPLICATION NO. 2013/08/30/5648. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Oct. 04, 2013**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more

information regarding MUNI accessible services, call (415) 923-6142.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



OCT 24 2013

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 9, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Fung announced that he will be absent from the October 30, 2013 Board meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of September 18, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the September 18, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 2652 Chestnut Street. Letter from Tracy Zill, attorney for Zack Rogers, requestor, asking that the Board take jurisdiction over BPA No. 2009/06/05/9880S, which was issued on Nov. 06, 2012; the appeal period ended on Nov. 21, 2012 and the jurisdiction request was filed at the Board office on Sept. 04, 2013. Permit Holder: Ronald Sires. Project: one story vertical addition with access to roof; expand garage; remodel rooms; change full bath to ½ bath at 2nd floor; new bathrooms, new bedrooms and master suite at 3rd floor. **Note:** On Jan. 09, 2013, in Appeal 12-144 filed by Richard and Denise Wall, the Board upheld this permit on the basis that the Planning Code § 311 notice had not expired and on a further basis that this permit was properly issued.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the Jurisdiction Request.

SPEAKERS: Zack Rogers, requestor; Ronald Sires, permit holder; John Lau, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4b) REHEARING REQUESTS:

Subject property at 3166 – 16th Street. Letter from Jonathan Plotzker, appellant, requesting rehearing of Appeal Nos. 13-081/082, Plotzker vs. DBI, decided Aug. 21, 2013. At that time, the Board voted 3-2 (Vice President Lazarus and Commissioner Fung dissented) to grant both appeals and revoke both permits with a finding of negative effect on the surrounding businesses and community and on the basis of the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code. Lacking the four votes needed to overturn a departmental action and with no further motion made, the permits were upheld by operation of law. Permit Holder: Jack Spade. Project, 1st permit: interior non-structural demolition of dropped ceiling, lighting, existing non-compliant restroom in vacant retail store; accessibility requirements will be addressed in subsequent tenant improvements per SFBC AB-017; BPA No. 2013/06/07/8955. Project, 2nd permit: interior non-structural renovation; new partitions, power lighting, mechanical system and new accessible restroom and dressing room; storefront to remain as is with repainting and minor repairs only; BPA No. 2013/06/24/0254.

ACTION: Upon motion by President Hwang, the Board voted 4-1 (Vice President Lazarus dissented) to grant the Rehearing Request and hold the rehearing on December 11, 2013.

SPEAKERS: Jefferson McCarley, agent for requestor; Phil Lesser, agent for permit holder; Melissa Xides, agent for permit holder; Scott Sanchez, ZA.

REGULAR MEETING, BOARD OF APPEALS, OCTOBER 9, 2013 - PAGE 3

PUBLIC COMMENT: Denise D'Anne, Roisin Isner, Deena Davenport, Leo Madrid, Alicia Gamez, Mike Alonzo, Gabriel Medina, Andy Blue, Jim Kelly, Alex Samayoa, Brett Lockspeiser, Oscar Grande, Amparo Vigil, Eric Arguello, Pía López, Rebekah Kouy-Ghadosh, Itala Portal, Armando Gustavo Gustillo, Jose Cellar and Jean Katz spoke in support of the requestor. Paul Stoll and Carmen Castillo spoke in support of the permit holder.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-104

CALA FOODS INC. dba "FOODS CO.", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	345 Williams Avenue. Protesting the ISSUANCE on August 02, 2013, to LaMark McCullough, Mobile Food Facility Permit (sale of breakfast sandwiches, mixed coffee, drinks, fried chicken, hamburgers, hotdogs, hot links, tacos, pizza rotisserie chicken, fish sticks, deli sandwiches, burritos, Philly cheese steak, rice, baked potato, cold beverages, teas, juices, salads, BBQ ribs, French fries, yogurt and bread). PERMIT NO. 12MFF-0010. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-106

LAMARK MCCULLOUGH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	345 Williams Avenue. Appealing the CONDITIONS IMPOSED on August 02, 2013, on a Mobile Food Facility Permit (sale of breakfast sandwiches, mixed coffee, drinks, fried chicken, hamburgers, hotdogs, hot links, tacos, pizza rotisserie chicken, fish sticks, deli sandwiches, burritos, Philly cheese steak, rice, baked potato, cold beverages, teas, juices, salads, BBQ ribs, French fries, yogurt and bread). APPLICATION NO. 12MFFF-0010. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny both appeals and requested that the Department of Public Works expedite any subsequent application, waive all fees possible, and work with the permit holder to find an additional location close to the current permitted location.

SPEAKERS: Megan Jennings, attorney for appellant (13-104); Jim Caldwell, agent for appellant (13-104); LaMark McCullough, permit holder and appellant (13-106); John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-100

ROBERT D'HONDT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	23 Topaz Way. Protesting the ISSUANCE on July 31, 2013, to Jim & Elaine Kohn, Alteration Permit (obtain building permit to make repairs to front porch tile stairs and shingle siding on both sides; approx. 160sf of water damaged siding; to tile front porch in kind; less than 50% repair; comply with NOV No. 201314541). APPLICATION NO. 2013/07/31/3225. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and condition the permit to limit the scope of work to 23 Topaz Way by deleting the reference on the permit to "both sides" and by reducing the area covered from 160sf to 80sf.

SPEAKERS: Stephen Williams, attorney for appellant; Jim Kohn, permit holder; Brian White, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-101

LAUREN STANDIG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4515 - 20th Street. Protesting the ISSUANCE on July 30, 2013, to Will Lavery, Alteration Permit (new stairs to roof; new stair penthouse and roof deck including glass guard rail 42" and 42" parapet). APPLICATION NO. 2010/11/03/4284"S". FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the permit was properly issued.

SPEAKERS: appellant did not appear; Will Lavery, permit holder; Yakuk Askew, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

REGULAR MEETING, BOARD OF APPEALS, OCTOBER 9, 2013 - PAGE 5

(8) APPEAL NO. 13-102

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Fung recused) to continue the matter to October 23, 2013 to allow the permit holder time to submit Code compliant revised plans.

SPEAKERS: Michael Leavitt, appellant; Joseph Butler, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (9A), (9B) AND (9C) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-103

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 02, 2013, to Steve Minisini, Alteration Permit (consolidation of work previously approved on BPA Nos. 2011/10/14/6891, 2012/01/18/2486, 2012/03/23/6788, and 2012/11/20/4610; additional scope to include replacement in- kind of singular glazed windows with double glazed wood windows; reconfigure windows, enlarge windows; replace front stair in-kind with stone stair, exterior railing; replace fireplace; add rear yard fence; enlarge curb cut and other work). APPLICATION NO. 2013/03/22/2867. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, OCTOBER 9, 2013 - PAGE 6

(9B) APPEAL NO. 13-113

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. FOR HEARING TODAY.
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(9C) APPEAL NO. 13-121

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	68 Presidio Avenue. Protesting the ISSUANCE on August 30, 2013, to Steve Minisini, Alteration Permit (install new fire sprinkler system throughout the residence including new 2' fire service; total heads 62) at 68 Presidio Avenue. APPLICATION NO. 2013/08/30/5648. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny Appeal Nos. 13-103 and 13-121, and uphold the permits on the basis that they are Code complaint and were properly issued. The Board also voted 5-0 to continue Appeal No. 13-113 to November 13, 2013, to allow the Department of Building Inspection to review the property line and required second means of egress. No additional submittals are allowed.

SPEAKERS: Scott Emblidge, attorney for appellants; Marco Ballard, agent for appellants; Pat Buscovich, agent for appellants; Rochelle Alpert, appellant; Steven Greenwald, appellant; Brian Soriano, attorney for permit holder; Dan Phipps, agent for permit holder; Steve Minisini, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: David Simpson spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 11:00 p.m.



10-11-13PCL:29 8000

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for Oct. 16, 2013. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 23, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

113 Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 11, 2013**

GOVERNMENT
DOCUMENTS DEPT

OCT. 11 2013

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BOARD OF APPEALS

OCT 18 2013

CITY & COUNTY OF SAN FRANCISCOSAN FRANCISCO
PUBLIC LIBRARY**AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 23, 2013****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

10-18-13A11:10 RCVD

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:**(3) ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 09, 2013 minutes.

(4) APPEAL NO. 13-085

SHASHA LEWIS
dba "OLA'S EXOTIC COFFEE
& TEA & OAK & BBQ", Appellant(s)

vs.

DEPT. OF PUBLIC WORKS
BUREAU OF STREET-USE & MAPPING,
Respondent

2801 Leavenworth Street.
Appealing the DENIAL on June 27, 2013,
of a Mobile Food Facility Permit (sale of
coffee, tea, and sweets).
APPLICATION NO. 13MFF-0082
PUBLIC HEARING HELD ON SEPT. 11,
2013. FOR FURTHER CONSIDERATION
TODAY. Note: matter was continued to
allow time for DPH staff to attend the
hearing or submit a written declaration,
and to allow time for the appellant to
submit exhibits related to revenue/sales;
DPW is allowed a written response to
appellant's exhibits.

(5) APPEAL NO. 13-102

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. PUBLIC HEARING HELD ON OCT. 09, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit revised plans; no additional briefing is allowed.
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ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 13-107

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	100 Garces Drive. Protesting the ISSUANCE on August 19, 2013, to Arborwell Inc., TEMPORARY OCCUPANCY PERMIT (crane, truck and tree chipper on south side of Garces Drive between Grijalva Drive and Gonzales Drive). PERMIT NO. 13TOC-2034 FOR HEARING TODAY.
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(6B) APPEAL NO. 13-120

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	417-435 Gonzalez Drive. Protesting the ISSUANCE on September 06, 2013, to Arborwell Inc., TEMPORARY OCCUPANCY PERMIT (closure of right lane and sidewalk on north side of Brotherhood Lane; will have tree trucks, chipper and equipment occupying this lane; from 9/10/13 to 9/20/13). PERMIT NO. 13TOC-2237 FOR HEARING TODAY.
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(7) APPEAL NO. 13-110

JOSEPH CONCEPCION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	731 Noe Street. Appealing the IMPOSITION OF PENALTY for construction work done without a permit. APPLICATION NO. 2013/07/08/1287 FOR HEARING TODAY.
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(8) APPEAL NO. 13-108

JOHN TYNAN, JASON THRUPP & KURT MUELLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue. Protesting the ISSUANCE on April 18, 2013, to Urban Green Investments LLC, Alteration Permit (repair wood frame in basement; replace retaining wall in basement; rebuild one bay window). APPLICATION NO. 2012/10/29/2977. JURISDICTION GRANTED August 21, 2013. FOR HEARING TODAY.
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ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-109

MARIPOSA UTAH NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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(9B) APPEAL NO. 13-111

MICA RINGEL, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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(10) SPECIAL ITEM:

Discussion and possible adoption of departmental annual report for FY2012-2013.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 18, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

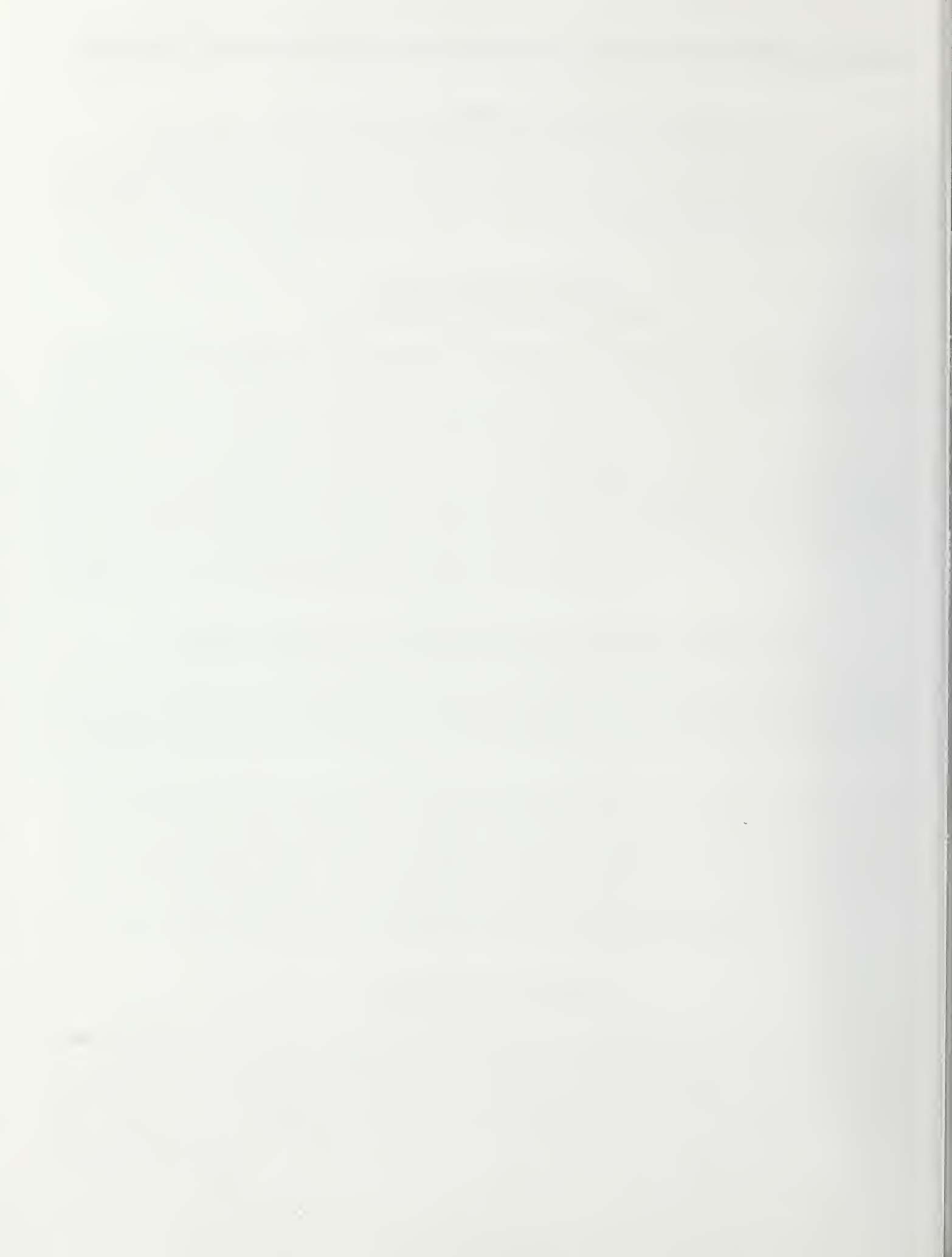
SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, OCTOBER 23, 2013****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

PRESENT: Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Acting Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Imelda Reyes, Senior Environmental Health Inspector, Department of Public Health (DPH); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Chris Hwang.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 9, 2013 minutes.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (President Hwang absent) to adopt the October 9, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 13-085

SHASHA LEWIS dba "OLA'S EXOTIC COFFEE & TEA & OAK & BBQ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2801 Leavenworth Street. Appealing the DENIAL on June 27, 2013, of a Mobile Food Facility Permit (sale of coffee, tea, and sweets). APPLICATION NO. 13MFF-0082 PUBLIC HEARING HELD ON SEPT. 11, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for DPH staff to attend the hearing or submit a written declaration, and to allow time for the appellant to submit exhibits related to revenue/sales; DPW is allowed a written response to appellant's exhibits.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Hwang absent) to deny the appeal and uphold the denial of the permit based on the lack of evidence of continuous operation during the required period.

SPEAKERS: Shasha Lewis, appellant; Anne-Marie Dao, attorney for appellant; John Kwong, DPW BSM; Imelda Reyes, DPH.

PUBLIC COMMENT: Troy Campbell and Douglas Robbins spoke in support of the department.

(5) APPEAL NO. 13-102

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. PUBLIC HEARING HELD ON OCT. 09, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit revised plans; no additional briefing is allowed.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-1-1 (Commissioner Fung recused and President Hwang absent) to continue this matter to November 13, 2013 in order to have four voting members of the Board in attendance.

SPEAKERS: Michael Leavitt, appellant; Marilynne Albers, agent for permit holder.

PUBLIC COMMENT: None.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 13-107

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	100 Garces Drive. Protesting the ISSUANCE on August 19, 2013, to Arborwell Inc., TEMPORARY OCCUPANCY PERMIT (crane, truck and tree chipper on south side of Garces Drive between Grijalva Drive and Gonzales Drive). PERMIT NO. 13TOC-2034 FOR HEARING TODAY.
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(6B) APPEAL NO. 13-120

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	417-435 Gonzalez Drive. Protesting the ISSUANCE on September 06, 2013, to Arborwell Inc., TEMPORARY OCCUPANCY PERMIT (closure of right lane and sidewalk on north side of Brotherhood Lane; will have tree trucks, chipper and equipment occupying this lane; from 9/10/13 to 9/20/13). PERMIT NO. 13TOC-2237 FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, OCTOBER 23, 2013 - PAGE 4

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 to (Commissioner Hurtado dissented and President Hwang absent) to deny the appeals and uphold the permits on the basis that they are Code compliant, and with the recommendation that DPW reinstate the execution periods for these permits as appropriate.

SPEAKERS: Julian Lagos, appellant; Neil Woolner, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Cathy Lintz and Diane Carpio spoke in support of the appellant.

(7) APPEAL NO. 13-110

JOSEPH CONCEPCION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	731 Noe Street. Appealing the IMPOSITION OF PENALTY for construction work done without a permit. APPLICATION NO. 2013/07/08/1287 FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (President Hwang absent) to deny the appeal and uphold the penalty on the basis that it is appropriate.

SPEAKERS: Joseph Concepcion, appellant; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-108

JOHN TYNAN, JASON THRUPP & KURT MUELLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue. Protesting the ISSUANCE on April 18, 2013, to Urban Green Investments LLC, Alteration Permit (repair wood frame in basement; replace retaining wall in basement; rebuild one bay window). APPLICATION NO. 2012/10/29/2977. JURISDICTION GRANTED August 21, 2013. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Hwang absent) to reschedule this matter to November 20, 2013 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-109

MARIPOSA UTAH NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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(9B) APPEAL NO. 13-111

MICA RINGEL, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Honda recused and President Hwang absent) to reschedule these matters to November 20, 2013 to allow time for the appellant's to review the motion holder's brief.

SPEAKERS: Juan Jayo, agent for appellant (13-109); Mica Ringel, appellant (13-111); Jim Reuben, attorney for motion holder; Corey Teague, ZA.

PUBLIC COMMENT: None.

(10) SPECIAL ITEM:

Discussion and possible adoption of departmental Annual Report for FY2012-2013.

ACTION: Upon motion by Vice President Lazarus, the Board voted 4-1 (President Hwang absent) to adopt the Annual Report.

SPEAKERS: Director Goldstein presented an overview of the report.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:20 p.m.

City and County of San Francisco

Board of Appeals



PUBLIC NOTICE

The Board of Appeals has **CANCELLED** the meeting of October 30, 2013. All appeals scheduled for this date shall be rescheduled to various dates later in the year.

The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 23, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 16, 2013**

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OCT 16 2013

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PUBLIC NOTICE

The Board of Appeals has **CANCELLED** the meeting of October 30, 2013, and has **NOT SCHEDULED** a meeting for November 06, 2013.

The next regular meeting is scheduled for **WEDNESDAY, NOVEMBER 13, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **October 25, 2013**

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THE HISTORY OF THE

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 13, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS:

NOV - 8 2013

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the October 23, 2013 minutes.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 23 Topaz Way. Letter from Stephen Williams, attorney for Robert D'Hondt, appellant, requesting rehearing of Appeal No. 13-100, D'Hondt vs. DBI, decided Oct. 09, 2013. At that time, the Board voted 5-0 to uphold the permit on condition that the scope of work be limited to the 23 Topaz Way side, with references to 160sf of siding to be amended to 80sf, and with references to "both sides" in permit description to be struck. Permit Holders: Jim & Elaine Kohn. Project: obtain building permit to make repairs to front porch tile stairs and shingle siding on both sides; approx. 160sf of water damaged siding; to tile front porch in kind; less than 50% repair; comply with NOV No. 201314541; BPA No. 2013/07/31/3225.

(5) APPEAL NO. 13-102

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. PUBLIC HEARING HELD ON OCT. 09, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit revised plans; no additional briefing is allowed.
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(6) APPEAL NO. 13-113

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. PUBLIC HEARING HELD OCT. 09, 2013; FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for DBI to re-review the issue of the property line and required exit way; no additional briefing is allowed.
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ITEMS (7A), (7B), (7C), AND (7D) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-125

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1148 Montgomery Street. Protesting the ISSUANCE on September 12, 2013, to Montgomery St. Partners LLC, Alteration Permit (dry rot repair at unit A and unit D; not visible from street; dry rot repair around windows and front doors; replace window sills and studs as needed). APPLICATION NO. 2013/09/12/6706. FOR HEARING TODAY.
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(7B) APPEAL NO. 13-126

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1540-1568 Jones Street. Protesting the ISSUANCE on September 12, 2013, to Nob Hill Vistas LLC, Alteration Permit (kitchen and bath remodel; living room and bedroom remodel; install new kitchen appliance and washer/dryer; install new lights/outlets; install new forced air; add new bathroom; add a level down with min. 7'6" height on unit 1556 and 1546 between ground floor and first floor with spiral stair connection; match window height). APPLICATION NO. 2013/08/27/5409. FOR HEARING TODAY.
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(7C) APPEAL NO. 13-128

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3673A - 20th Street. Protesting the ISSUANCE on September 18, 2013, to Veritas LLC, Alteration Permit (remodel Unit 3673A; add new closets; add laundry outlet; remove non-bearing partition walls; relocate kitchen fixtures and cabinets; bathroom remodel; upgrade electrical and plumbing fixtures; re-routing of electrical wires and plumbing as necessary; add new gas heater in bedroom). APPLICATION NO. 2013/09/13/6771. FOR HEARING TODAY.
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(7D) APPEAL NO. 13-129

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3659-3677 - 20th Street. Protesting the ISSUANCE on September 16, 2013, to Veritas LLC, Alteration Permit (remodel Units 3675 and 3675A; add new closets; add laundry outlets; remove non-bearing walls; relocate kitchen fixtures and cabinets; bathroom remodel; upgrade electrical and plumbing fixtures; re-routing of electrical wires and plumbing as needed). APPLICATION NO. 2013/08/30/5666. FOR HEARING TODAY.
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(8) APPEAL NO. 13-114

SUE HESTOR, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: KR 350 MISSION LLC	350 Mission Street. Protesting the ADOPTION OF FINDINGS on August 15, 2013, related to Planning Code §§320-325 OFFICE ALLOCATION (grant an additional allocation of 80,000sf of office uses related to construction of up to 6 additional stories atop a previously approved, 24-story tower, resulting in a new building of up to 30 stories with a roof height of up to approx. 424 feet). MOTION NO. 18956. FOR HEARING TODAY.
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(9) APPEAL NO. 13-119

KAREN LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	174 Brighton Avenue. Protesting the ISSUANCE on August 29, 2013, to John & Leigh Escobedo, Alteration Permit (removal of existing deck and stair; construction of new deck and stair; comply with complaint no. 201317661). APPLICATION NO. 2013/08/27/5371. FOR HEARING TODAY.
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(10) APPEAL NO. 13-122

ANTHONY BYRNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	6720 Fulton Street. Protesting the ISSUANCE on September 09, 2013, to 6720-30 Fulton Street LLC, Alteration Permit (removal of stucco; dry-rot repairs; 37 windows replacement - same rough opening-aluminum metal casing; new waterproofing; new stucco; new paint - exterior improvement). APPLICATION NO. 2013/09/09/6289. FOR HEARING TODAY.
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(11) APPEAL NO. 13-127

THOMAS & ARTI DENTERLEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	555 Rockdale Drive. Protesting the ISSUANCE on September 19, 2013, to Schubert & Shannon Chu, Alteration Permit (excavate down and extend toward rear yard to develop first floor rooms which include bedroom, family room, laundry room and bathroom; at second floor, enlarge and remodel kitchen, remodel bathroom, and extend rear bedrooms toward rear yard; add new third floor which includes master bedroom suite, office, and roof deck). APPLICATION NO. 2012/10/11/1797"S". FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 08, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

or by e-mail at soft@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 13, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Acting Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Frank Fung.

8/13 (1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Honda extended the Board's congratulations to Zoning Administrator Scott Sanchez and his wife on the arrival of their son Milo.

PUBLIC COMMENT: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 23, 2013 minutes.

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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the October 23, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 23 Topaz Way. Letter from Stephen Williams, attorney for Robert D'Hondt, appellant, requesting rehearing of Appeal No. 13-100, D'Hondt vs. DBI, decided Oct. 09, 2013. At that time, the Board voted 5-0 to uphold the permit on condition that the scope of work be limited to the 23 Topaz Way side, with references to 160sf of siding to be amended to 80sf, and with references to "both sides" in permit description to be struck. Permit Holders: Jim & Elaine Kohn. Project: obtain building permit to make repairs to front porch tile stairs and shingle siding on both sides; approx. 160sf of water damaged siding; to tile front porch in kind; less than 50% repair; comply with NOV No. 201314541; BPA No. 2013/07/31/3225.

ACTION: This matter was withdrawn prior to hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-102**

MICHAEL LEAVITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1815-1827 Stockton Street. Protesting the ISSUANCE on July 29, 2013, to 1815-1827 Stockton Street HOA, Alteration Permit (replace existing rear stairs with new ones). APPLICATION NO. 2013/07/18/2141. PUBLIC HEARING HELD ON OCT. 09, 2013. FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the permit holder to submit revised plans; no additional briefing is allowed.
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ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and issue the permit on the basis that it be revised as indicated on the October 17, 2013 plans submitted by the permit holder and upon the agreement of the parties.

SPEAKERS: Marilynne Albers, agent for permit holder.

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-113

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. PUBLIC HEARING HELD OCT. 09, 2013; FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for DBI to re-review the issue of the property line and required exit way; no additional briefing is allowed.
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ACTION: Upon motion by President Hwang, the Board voted 1-3-1 (Vice President Lazarus, Commissioner Honda and Commissioner Hurtado dissented; Commissioner Fung absent) to continue this matter to November 20, 2013 to allow time for the appellant and the Planning Department to review the proposed revisions to the plans. Lacking the three votes needed to pass, the motion failed. Upon further motion by Commissioner Hurtado, the Board voted 3-1-1 (President Hwang dissented; Commissioner Fung absent) to grant the appeal and issue the permit on the basis that the permit be revised as indicated on the plans dated November 8, 2013. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to continue this matter to November 20, 2013 to allow time for the appellant and the Planning Department to review the proposed revisions to the plans, with no additional briefing allowed.

SPEAKERS: Scott Emblidge, attorney for appellants; Brian Soriano, attorney for permit holder; Dan Phipps, agent for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

ITEMS (7A), (7B), (7C), AND (7D) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 13-125

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1148 Montgomery Street. Protesting the ISSUANCE on September 12, 2013, to Montgomery St. Partners LLC, Alteration Permit (dry rot repair at unit A and unit D; not visible from street; dry rot repair around windows and front doors; replace window sills and studs as needed). APPLICATION NO. 2013/09/12/6706. FOR HEARING TODAY.
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(7B) APPEAL NO. 13-126

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1540-1568 Jones Street. Protesting the ISSUANCE on September 12, 2013, to Nob Hill Vistas LLC, Alteration Permit (kitchen and bath remodel; living room and bedroom remodel; install new kitchen appliance and washer/dryer; install new lights/outlets; install new forced air; add new bathroom; add a level down with min. 7'6" height on unit 1556 and 1546 between ground floor and first floor with spiral stair connection; match window height). APPLICATION NO. 2013/08/27/5409. FOR HEARING TODAY.
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(7C) APPEAL NO. 13-128

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3673A - 20th Street. Protesting the ISSUANCE on September 18, 2013, to Veritas LLC, Alteration Permit (remodel Unit 3673A; add new closets; add laundry outlet; remove non-bearing partition walls; relocate kitchen fixtures and cabinets; bathroom remodel; upgrade electrical and plumbing fixtures; re-routing of electrical wires and plumbing as necessary; add new gas heater in bedroom). APPLICATION NO. 2013/09/13/6771. FOR HEARING TODAY.
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(7D) APPEAL NO. 13-129

CITIZENS AGAINST PANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3659-3677 - 20th Street. Protesting the ISSUANCE on September 16, 2013, to Veritas LLC, Alteration Permit (remodel Units 3675 and 3675A; add new closets; add laundry outlets; remove non-bearing walls; relocate kitchen fixtures and cabinets; bathroom remodel; upgrade electrical and plumbing fixtures; re-routing of electrical wires and plumbing as needed). APPLICATION NO. 2013/08/30/5666. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeals on the basis that the permits are Code compliant.

SPEAKERS: John Kevlin, attorney for permit holder; Oren Rubinstein, agent for permit holder. The appellant in these matters did not appear.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-114

SUE HESTOR, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: KR 350 MISSION LLC	350 Mission Street. Protesting the ADOPTION OF FINDINGS on August 15, 2013, related to Planning Code §§320-325 OFFICE ALLOCATION (grant an additional allocation of 80,000sf of office uses related to construction of up to 6 additional stories atop a previously approved, 24-story tower, resulting in a new building of up to 30 stories with a roof height of up to approx. 424 feet). MOTION NO. 18956. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeal and uphold the Planning Commission Motion based on the findings stated in the Motion and with the adoption of California Environmental Quality Act (CEQA) findings as read into the record and displayed at the hearing.

SPEAKERS: Sue Hestor, appellant; Dan Frattin, attorney for motion holder; Corey Teague, ZA.

PUBLIC COMMENT: None.

(9) APPEAL NO. 13-119

KAREN LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	174 Brighton Avenue. Protesting the ISSUANCE on August 29, 2013, to John & Leigh Escobedo, Alteration Permit (removal of existing deck and stair; construction of new deck and stair; comply with complaint no. 201317661). APPLICATION NO. 2013/08/27/5371. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and issue the permit on the condition that the permit holder erect a temporary privacy screen of at least six (6) feet in height along the full length of the deck on the appellant's side of the property until bamboo planted in the ground along the property line shared with the appellant reaches an equivalent height, based on the agreement of the parties.

SPEAKERS: Karen Lewis, appellant; Miles Escobedo, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Arti Denterlein spoke about the need for the parties to work together to reach a resolution.

(10) APPEAL NO. 13-122

ANTHONY BYRNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	6720 Fulton Street. Protesting the ISSUANCE on September 09, 2013, to 6720-30 Fulton Street LLC, Alteration Permit (removal of stucco; dry-rot repairs; 37 windows replacement - same rough opening-aluminum metal casing; new waterproofing; new stucco; new paint - exterior improvement). APPLICATION NO. 2013/09/09/6289. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and issue the permit on the condition that: (1) the hours of construction be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday; (2) there be continued testing for asbestos and lead-based paint during demolition when new material is disturbed; and (3) that Dave Thompkins from Trinity Property be assigned as a liaison for the tenants.

SPEAKERS: Anthony Byrne, appellant; Andrea Ramirez, agent for appellant; David Silverman, attorney for permit holder; Dave Thompkins, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Linsey Patton, Hemgky Surjadi, YuPan Chen and Rev. Elizabeth Ellinger spoke in support of the appellant.

(11) APPEAL NO. 13-127

THOMAS & ARTI DENTERLEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	555 Rockdale Drive. Protesting the ISSUANCE on September 19, 2013, to Schubert & Shannon Chu, Alteration Permit (excavate down and extend toward rear yard to develop first floor rooms which include bedroom, family room, laundry room and bathroom; at second floor, enlarge and remodel kitchen, remodel bathroom, and extend rear bedrooms toward rear yard; add new third floor which includes master bedroom suite, office, and roof deck). APPLICATION NO. 2012/10/11/1797"S". FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeal and issue the permit on the basis that is Code Compliant.

SPEAKERS: Arti Denterlein, appellant; Schubert Chu, permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:10 p.m.

BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO****AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 20, 2013****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE****(1) PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:GOVERNMENT
DOCUMENTS DEPT**(3) ADOPTION OF MINUTES:**

NOV 15 2013

Discussion and possible adoption of the Nov. 13, 2013 minutes.

SAN FRANCISCO
PUBLIC LIBRARY**(4) ADDENDUM ITEMS:****(4a) REHEARING REQUEST:**

Subject property at 2801 Leavenworth Street. Letter from ShaSha Lewis, appellant, requesting rehearing of Appeal Nos. 13-085, Lewis vs. DPW BSM, decided October 23, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to uphold the denial of the Mobile Food Facility Permit (sale of coffee, tea, and sweets) on the basis of lack of evidence of continuous operation during the required period. Application No. 13MFF-0082.

(4b) REHEARING REQUESTS:

Subject property at 100 Garces Drive and 417-435 Gonzalez Drive. Letter from Julian Lagos, appellant, requesting rehearing of Appeal Nos. 13-107/120, Lagos vs. DPW BSM, decided October 23, 2013. At that time, the Board voted 3-1-1 (Commissioner Hurtado dissented, President Hwang absent) to uphold both Temporary Occupancy permits on the basis they are Code compliant, and with a recommendation that DPW reinstate the execution period for the permits. Permit Holder: Arborwell Inc. **Project, 1st permit:** crane, truck and tree chipper on south side of Garces Drive between Grijalva Drive and Gonzales Drive; Permit No. 13TOC-2034. **Project, 2nd permit:** closure of right lane and sidewalk on north side of Brotherhood Lane; will have tree trucks, chipper and equipment occupying this lane; from 9/10/13 to 9/20/13; Permit No. 13TOC-2237.

(4c) REHEARING REQUEST:

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S. **Note: On Aug. 14, 2013, the Board held a public hearing on this rehearing request, and voted 5-0 to continue the matter to Call of Chair to await the outcome of the subdivision issue at DPW with possible appeal to the Board of Supervisors.**

ITEMS (5A), (5B), AND (5C) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-130

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	605 Gonzalez Drive. Protesting the ISSUANCE on September 18, 2013, to Parkmerced LLC, Tree Removal Permit (removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available). ORDER NO. 181658. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-131

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	811 Gonzalez Drive. Protesting the ISSUANCE on September 18, 2013, to Parkmerced LLC, Tree Removal Permit (removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available). ORDER NO. 181659. FOR HEARING TODAY.
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(5C) APPEAL NO. 13-132

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	840 Gonzalez Drive. Protesting the ISSUANCE on September 18, 2013, to Parkmerced LLC, Tree Removal Permit (removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available). ORDER NO. 181660. FOR HEARING TODAY.
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(6) APPEAL NO. 13-124

VLADIMIR STRAZHNIKOV, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on September 11, 2013, of Taxi Medallion No. 651. FOR HEARING TODAY.
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(7) APPEAL NO. 13-113

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. PUBLIC HEARING HELD OCT. 09, 2013; FOR FURTHER CONSIDERATION TODAY. Note: matter was continued to allow time for the appellants to review the revised plans dated Nov. 08, 2013; no additional briefing is allowed.
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(8) APPEAL NO. 13-108

JOHN TYNAN, JASON THRUPP & KURT MUELLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue. Protesting the ISSUANCE on April 18, 2013, to Urban Green Investments LLC, Alteration Permit (repair wood frame in basement; replace retaining wall in basement; rebuild one bay window). APPLICATION NO. 2012/10/29/2977. JURISDICTION GRANTED August 21, 2013. FOR HEARING TODAY.
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ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-109

MARIPOSA UTAH NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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(9B) APPEAL NO. 13-111

MICA RINGEL, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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(10) APPEAL NO. 13-117

BILL & LUBA GOWER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2258 Jackson Street. Protesting the ISSUANCE on August 21, 2013, to Andy Scott, Alteration Permit (replacement of front retaining wall; match height; decorative rail atop retaining wall; decorative pilasters and gate). APPLICATION NO. 2013/08/16/4541. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Nov. 15, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives

of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

BOARD OF APPEALS

GOVERNMENT
DOCUMENTS DEPT

CITY & COUNTY OF SAN FRANCISCO

DEC 12 2013

MEETING MINUTES - WEDNESDAY, NOVEMBER 20, 2013

SAN FRANCISCO
PUBLIC LIBRARY

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Bruce Storrs, City and County of San Francisco Surveyor (DPW); Jarvis Murray, Municipal Transportation Agency Division of Taxis and Accessible Services (SFMTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: Diane Carpio posed questions and made statements about the appeals process, how the Board evaluates evidence, what penalties the Board may impose and what is required of the departments appearing before the Board. Brian Soriano spoke about appeals heard by the Board regarding 68 Presidio Avenue, his assessment that these appeals are frivolous, the cost to the permit holder and the City with respect to these matters, and the effect of the withdrawal of the most recent appeal on the permit holder. Steve Minisini, the owner of 68 Presidio Avenue, expressed his disagreement with his neighbors' request that he eliminate a fire escape at his property and their filing of appeals he believes are frivolous. He also spoke about the financial impact of the permit process. Cathy Lentz spoke about tree removal on Brotherhood Way and her belief that the Environmental Impact Report for the area has been violated. She expressed her desire that the trees be replaced.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 13, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the November 13, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 2801 Leavenworth Street. Letter from ShaSha Lewis, appellant, requesting rehearing of Appeal Nos. 13-085, Lewis vs. DPW BSM, decided October 23, 2013. At that time, the Board voted 4-0-1 (President Hwang absent) to uphold the denial of the Mobile Food Facility Permit (sale of coffee, tea, and sweets) on the basis of lack of evidence of continuous operation during the required period. Application No.13MFF-0082.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Shasha Lewis, requestor; John Kwong, DPW BSM.

PUBLIC COMMENT: Douglas Robbins spoke in support of the department; Diane Carpio spoke in support of the requestor.

(4b) **REHEARING REQUESTS:**

Subject property at 100 Garces Drive and 417-435 Gonzalez Drive. Letter from Julian Lagos, appellant, requesting rehearing of Appeal Nos. 13-107/120, Lagos vs. DPW BSM, decided October 23, 2013. At that time, the Board voted 3-1-1 (Commissioner Hurtado dissented, President Hwang absent) to uphold both Temporary Occupancy permits on the basis they are Code compliant, and with a recommendation that DPW reinstate the execution period for the permits. Permit Holder: Arborwell Inc. **Project, 1st permit:** crane, truck and tree chipper on south side of Garces Drive between Grijalva Drive and Gonzales Drive; Permit No. 13TOC-2034. **Project, 2nd permit:** closure of right lane and sidewalk on north side of Brotherhood Lane; will have tree trucks, chipper and equipment occupying this lane; from 9/10/13 to 9/20/13; Permit No. 13TOC-2237.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the requests.

SPEAKERS: Julian Lagos, requestor; Neil Woolner, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Diane Carpio and Cathy Lentz spoke in support of the requestor.

(4c) **REHEARING REQUEST:**

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S. **Note:** On Aug. 14, 2013, the Board held a public hearing on this rehearing request, and voted 5-0 to continue the matter to Call of Chair to await the outcome of the subdivision issue at DPW with possible appeal to the Board of Supervisors.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to the Call of the Chair to allow the subdivision issue to be resolved through the City process.

SPEAKERS: Bruce Storrs, DPW; Scott Sanchez, ZA; Dan Frattin, attorney for permit holder; Donald Bateman, agent for appellant.

PUBLIC COMMENT: Tim Colen spoke in support of the requestor. Nancy O'Brien spoke in support of the appellant.

ITEMS (5A), (5B), AND (5C) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 13-130**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	605 Gonzalez Drive. Protesting the ISSUANCE on September 18, 2013, to Parkmerced LLC, Tree Removal Permit (removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available). ORDER NO. 181658. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-131

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	811 Gonzalez Drive. Protesting the ISSUANCE on September 18, 2013, to Parkmerced LLC, Tree Removal Permit (removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available). ORDER NO. 181659. FOR HEARING TODAY.
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(5C) APPEAL NO. 13-132

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	840 Gonzalez Drive. Protesting the ISSUANCE on September 18, 2013, to Parkmerced LLC, Tree Removal Permit (removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available). ORDER NO. 181660. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the appeals and issue the permits on the basis that they are Code compliant.

SPEAKERS: Julian Lagos, appellant; Cathy Lentz, agent for appellant; Neil Woolner, agent for permit holder; Carla Short, DPW BUF.

PUBLIC COMMENT: Diane Carpio spoke in support of the appellant.

(6) APPEAL NO. 13-124

VLADIMIR STRAZHNIKOV, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on September 11, 2013, of Taxi Medallion No. 651. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-1 (Commissioner Honda dissented) to deny the appeal and revoke the permit on the basis of the evidence presented by the department.

SPEAKERS: Stephen Goldstein, attorney for appellant; Jarvis Murray, SFMTA; John Sanderson, agent for SFMTA.

PUBLIC COMMENT: Jacob Mayzel spoke in support of the appellant.

(7) APPEAL NO. 13-113

STEVEN GREENWALD & ROCHELLE ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Presidio Avenue. Protesting the ISSUANCE on August 15, 2013, to Steve Minisini, Alteration Permit (expand existing roof deck; new metal guardrail at deck; relocate door to deck; new windows at family room; repair or replace existing fire escape; new fire pit and one-hour wall; this is a res-submittal of permit no. 2012/10/11/1876 due to +/- 13" high non-code compliant parapet and 10-day neighborhood notice not sent out by City Planning). APPLICATION NO. 2013/03/01/1348. PUBLIC HEARING HELD OCT. 09, 2013; FOR FURTHER CONSIDERATION TODAY. <u>Note:</u> matter was continued to allow time for the appellants to review the revised plans dated Nov. 08, 2013; no additional briefing is allowed.
---	--

ACTION: This matter was withdrawn prior to hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-108

JOHN TYNAN, JASON THRUPP & KURT MUELLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue. Protesting the ISSUANCE on April 18, 2013, to Urban Green Investments LLC, Alteration Permit (repair wood frame in basement; replace retaining wall in basement; rebuild one bay window). APPLICATION NO. 2012/10/29/2977. JURISDICTION GRANTED August 21, 2013. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeal and issue the permit on the condition that it be revised to reflect plans dated November 4, 2013 and on the basis that it is Code compliant.

SPEAKERS: Raquel Fox, attorney for appellants; John Tynan, appellant; Kurt Mueller, appellant; Lenny Tremmel, agent for appellants; Ryan Patterson, attorney for permit holder; Ronald Hamburger, agent for permit holder; Jason Towle, agent for permit holder; Michael Karpowicz, agent for permit holder, Trevor Doherty, agent for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 13-109

MARIPOSA UTAH NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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(9B) APPEAL NO. 13-111

MICA RINGEL, Appellant(s) vs. PLANNING COMMISSION, Respondent	480 Potrero Avenue. Protesting the ISSUANCE on August 08, 2013, to Reza Khoshnevisan @ SIA Consulting Corp., SEC. 329 ADOPTION OF FINDINGS - LARGE PROJECT AUTHORIZATION (to allow construction of new six-story, 58-foot tall building with up to 75 dwelling units, approx. 970sf of retail, and up to 47 off-street parking spaces). CASE NO. 2011.0430XE. MOTION NO. 18945. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Commissioner Honda and Commissioner Hurtado recused) to deny the appeals and uphold the motion for the reasons stated in the Planning Commission motion and with the adoption of the California Environmental Quality Act (CEQA) findings displayed on the monitor at the hearing.

SPEAKERS: Mica Ringel, appellant (Appeal No. 13-111); Jean Bogiajes, agent for appellant (Appeal No. 13-109); Juan Jayo, attorney for appellant (Appeal No. 13-109); Sufi Tahbazof Hariri, agent for motion holder; John Kevlin, attorney for motion holder; Corey Teague, ZA.

PUBLIC COMMENT: J.R. Eppler, Robin Talmage, Mari Eliza, Jeff Van Earwage, Robert Broucaret, Dean Dinell, Denny Chen, Olga Kist and Michael Hunter spoke in support of the appellant. Larry Del Carlo and Lucio Sanchez spoke in support of the motion holder.

(10) APPEAL NO. 13-117

BILL & LUBA GOWER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2258 Jackson Street. Protesting the ISSUANCE on August 21, 2013, to Andy Scott, Alteration Permit (replacement of front retaining wall; match height; decorative rail atop retaining wall; decorative pilasters and gate). APPLICATION NO. 2013/08/16/4541. FOR HEARING TODAY.
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ACTION: This matter was withdrawn prior to hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 11:05 p.m.

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Today

Pacheco, Victor 11:46 AM

PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, November 22, 2013 11:46 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for Nov. 27, 2013 or Dec. 04, 2013. The next regular meeting is scheduled for **WEDNESDAY, DECEMBER 11, 2013**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Nov. 22, 2013**

*Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885*

GOVERNMENT
DOCUMENTS DEPT

NOV 22 2013

SAN FRANCISCO
PUBLIC LIBRARY

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 11, 2013

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Nov. 20, 2013 minutes.

DEC - 6 2013

(4) **REHEARING REQUEST:**

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Subject property at 350 Mission Street. Letter from Sue Hestor, appellant, requesting rehearing of Appeal Nos. 13-114, Hestor vs. Planning Commission, decided Nov. 13, 2013. At that time, the Board voted 4-0-1 (Commissioner Fung absent) to uphold the Planning Commission motion and office allocation with findings as read into the record. Project: grant an additional allocation of 80,000sf of office uses related to construction of up to 6 additional stories atop a previously approved, 24-story tower, resulting in a new building of up to 30 stories with a roof height of up to approx. 424 feet; Motion No. 18956. Motion Holder: KR 350 Mission LLC.

ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

1050 Valencia Street.

Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area).

APPLICATION NO. 2010/12/27/7436.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, DECEMBER 11, 2013 - PAGE 2

(5B) APPEAL NO. 13-096

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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(5C) APPEAL NO. 13-097

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5D) APPEAL NO. 13-098

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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(6) APPEAL NO. 13-133

KAREN GALVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1150-1152 Geneva Ave. Protesting the ISSUANCE on October 10, 2013, to Christ C. Christ, Alteration Permit (install half-bath in existing light well). APPLICATION NO. 2013/10/09/8899. FOR HEARING TODAY.
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(7) APPEAL NO. 13-135

MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY.
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(8) APPEAL NO. 13-136

ROBERT DAVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3547 - 20th Street. Protesting the ISSUANCE on October 18, 2013, to Diamon Horace, Alteration Permit (comply with NOV No. 201397311; remove work done without permit; remove shed storage at rear yard built illegally; add 36" high parapet at west light well; remove any vent located less than 3' away from property line; dry rot repair at front approx. 50sf). APPLICATION NO. 2013/07/25/2815. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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SPECIAL NOTES

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The complete Rules of the Board are available for review at the Board office, and on our website.

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PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, DECEMBER 11, 2013****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Acting Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

13 (1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

GOVERNMENT
DOCUMENTS DEPT

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

DEC 19 2013

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 20, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the November 20, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 350 Mission Street. Letter from Sue Hestor, appellant, requesting rehearing of Appeal Nos. 13-114, Hestor vs. Planning Commission, decided Nov. 13, 2013. At that time, the Board voted 4-0-1 (Commissioner Fung absent) to uphold the Planning Commission motion and office allocation with findings as read into the record. Project: grant an additional allocation of 80,000sf of office uses related to construction of up to 6 additional stories atop a previously approved, 24-story tower, resulting in a new building of up to 30 stories with a roof height of up to approx. 424 feet; Motion No. 18956. Motion Holder: KR 350 Mission LLC.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the request.

SPEAKERS: Sue Hestor, appellant; Dan Frattin, attorney for motion holder; Corey Teague, ZA.

PUBLIC COMMENT: None.

ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 13-095

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5B) APPEAL NO. 13-096

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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(5C) APPEAL NO. 13-097

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR HEARING TODAY.
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(5D) APPEAL NO. 13-098

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to grant the appeals and issue the permits with findings and conditions to be considered by the Board on January 15, 2014.

SPEAKERS: Stephanie Weisman, agent for appellant The Marsh; Mary Gallagher, agent for appellant The Marsh; Stephen Williams, attorney for appellant Alicia Gamez; Alicia Gamez, appellant; Melinda Sarjapur, attorney for permit holder; Stephen Antonaros, agent for permit holder; Frank Hubach, agent for permit holder; Mark Rutherford, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Sue Hestor, Ric West, Alice LaRocca, Shari Steiner, Dan Biewener, David Nowlin, Marga Gomez, Rafael Mandelman, Charlie Varon, Julia McNeal, Chip Isaac, Sylvie Simmons, Joy Kent, Gene Gore, Jefferson McCarley, Ady Abbott, Candace Roberts, Blair Moser, John Barbey, Wendy Cosin, Nora Danielson, Karoleen Feng, Diane Ross, Michael Lesser, John Levin, Kenny Yun, Peter Heinecke, Jill Vice, Sue Lebeck, Maria Affinito, Paula Braveman, Howard Petrick. Mark Kenward and Risa Teitelbaum spoke in support of the appellants.

(6) APPEAL NO. 13-133

KAREN GALVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1150-1152 Geneva Ave. Protesting the ISSUANCE on October 10, 2013, to Christ C. Christ, Alteration Permit (install half-bath in existing light well). APPLICATION NO. 2013/10/09/8899. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, DECEMBER 11, 2013 - PAGE 4

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to continue the appeal to January 29, 2014 to allow the Planning Department time to send out the required notice to neighbors, or for the permit holder to obtain the required signatures from the adjacent neighbors.

SPEAKERS: Karen Galves, appellant, Christ C. Christ, permit holder; Christopher Christ, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 13-135

MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue this matter to January 8, 2014 to allow time for the parties to prepare and submit plans reflecting their settlement.

SPEAKERS: Michael Shaffer, appellant; Chris Cobb, permit holder.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-136

ROBERT DAVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3547 - 20th Street. Protesting the ISSUANCE on October 18, 2013, to Diamon Horace, Alteration Permit (comply with NOV No. 201397311; remove work done without permit; remove shed storage at rear yard built illegally; add 36" high parapet at west light well; remove any vent located less than 3' away from property line; dry rot repair at front approx. 50sf). APPLICATION NO. 2013/07/25/2815. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and issue the permit on the condition that the 36" parapet wall along the lightwell be struck from the scope of the permit, and on the basis that the parapet is not required by Code.

REGULAR MEETING, BOARD OF APPEALS, DECEMBER 11, 2013 - PAGE 5

SPEAKERS: The appellant did not appear at the hearing; Diamon Horace, permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 18, 2013

5:00 P.M., CITY HALL, ROOM 400, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 11, 2013 minutes.

GOVERNMENT
DOCUMENTS DEPT

DEC 13 2013

(4) **ADDENDUM ITEMS:**

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(4a) **JURISDICTION REQUEST:**

Subject property at 530 Day Street. Letter from Sulpicio Mariano, requestor, asking that the Board take jurisdiction over BPA No. 2013/10/03/8437, which was issued on Oct. 16, 2013. The appeal period ended on Oct. 31, 2013, and the jurisdiction request was filed at the Board office on Dec. 02, 2013. Permit Holder: Martin Slattery. Project: new retaining wall at rear; interior remodel; new roof deck with 30" high parapet; new skylight; revision to BPA Nos. 2011/10/17/6930 and 2013/07/26/2916.

(4b) **REHEARING REQUESTS:**

Subject property at 605, 811 and 840 Gonzalez Drive. Letter from Julian Lagos, appellant, requesting rehearing of Appeal Nos. 13-130/131/132, Lagos vs. DPW BUF, decided Nov. 20, 2013. At that time, the Board voted 5-0 to uphold all three permits on the basis they are Code compliant. Permit Holder: Parkmerced LLC. **Project, 1st permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181658. **Project, 2nd permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181659. **Project, 3rd permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181660.

(5) APPEAL NO. 13-139

JULIO CASTILLO dba "JULIE'S HOT DOGS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4111 - 18th Street. Appealing the DENIAL on October 16, 2013, of Mobile Food Facility Permit (denial of permit application due to non-response by applicant; for sale of hot dogs, chips, sodas and energy drinks). APPLICATION NO. 12MFF-0030. FOR HEARING TODAY.
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(6) APPEAL NO. 13-140

DAVID POLATNICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1532 Cole Street. Protesting the ISSUANCE on October 22, 2013, to Andrea Higgins & Peter Chung, Alteration Permit (addition of new office space in rear yard below associated patio at natural grade; demo exterior rear wall). APPLICATION NO. 2013/04/26/5579S. FOR HEARING TODAY.
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(7) APPEAL NO. 13-141

PATRICIA CALDERHEAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3032-3034 Jackson Street. Protesting the ISSUANCE on October 18, 2013, to Nancy Wong, Alteration Permit (response to NOV No. 201317501; shoring plan and sequence of excavation up to 20' at perimeter walls; revision to BPA No. 2007/07/12/6583; reference to BPA Nos. 2009/09/24/7633, 2011/09/21/5155 and 2007/07/12/6583). APPLICATION NO. 2013/09/19/7252. FOR HEARING TODAY.
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(8) APPEAL NO. 13-142

GREG BLEDNYH & MARIA MAZZEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	181 Edgehill Way. Protesting the ISSUANCE on October 23, 2013, to Steven Fujii, Alteration Permit (drainage of property at rear; revision to BPA Nos. 2001/04/04/6019 and 2012/12/28/6978). APPLICATION NO. 2013/09/19/7262. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **Dec. 13, 2013**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

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room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the

Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

JAN - 9 2014

MEETING MINUTES - WEDNESDAY, DECEMBER 18, 2013

5:00 P.M., CITY HALL, ROOM 400, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Acting Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

8/13
(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 11, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the December 11, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 530 Day Street. Letter from Sulpicio Mariano, requestor, asking that the Board take jurisdiction over BPA No. 2013/10/03/8437, which was issued on Oct. 16, 2013. The appeal period ended on Oct. 31, 2013, and the jurisdiction request was filed at the Board office on Dec. 02, 2013. Permit Holder: Martin Slattery. Project: new retaining wall at rear; interior remodel; new roof deck with 30" high parapet; new skylight; revision to BPA Nos. 2011/10/17/6930 and 2013/07/26/2916.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the request.

SPEAKERS: Sulpicio Mariano, requestor; Rodrigo Santos, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4b) REHEARING REQUESTS:

Subject property at 605, 811 and 840 Gonzalez Drive. Letter from Julian Lagos, appellant, requesting rehearing of Appeal Nos. 13-130/131/132, Lagos vs. DPW BUF, decided Nov. 20, 2013. At that time, the Board voted 5-0 to uphold all three permits on the basis they are Code compliant. Permit Holder: Parkmerced LLC. **Project, 1st permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181658. **Project, 2nd permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181659. **Project, 3rd permit:** removal of one (1) tree with re-planting of three (3) trees of similar canopy and of largest size available; Order No. 181660.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the requests.

SPEAKERS: Julian Lagos, requestor; Jade Scileppi, agent for requestor; Carla Short, DPW BUF. The permit holder did not appear.

PUBLIC COMMENT: Cathy Lentz spoke in support of the requestor.

(5) APPEAL NO. 13-139

JULIO CASTILLO
dba "JULIE'S HOT DOGS", Appellant(s)

vs.
DEPT. OF PUBLIC WORKS
BUREAU OF STREET-USE & MAPPING,
Respondent

4111 - 18th Street.
Appealing the DENIAL on October 16, 2013,
of Mobile Food Facility Permit (denial of
permit application due to non-response by
applicant; for sale of hot dogs, chips, sodas
and energy drinks).
APPLICATION NO. 12MFF-0030.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, DECEMBER 18, 2013 - PAGE 3

ACTION: Upon motion by President Hwang, the Board voted 5-0 to reschedule this matter to January 29, 2014 and to reset the briefing schedule.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 13-140

DAVID POLATNICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1532 Cole Street. Protesting the ISSUANCE on October 22, 2013, to Andrea Higgins & Peter Chung, Alteration Permit (addition of new office space in rear yard below associated patio at natural grade; demo exterior rear wall). APPLICATION NO. 2013/04/26/5579S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and issue the permit on the basis that the Planning Department determination on height is accurate and the project is Code compliant.

SPEAKERS: David Polatnick, appellant; Jace Levinson, agent for appellant; Laurence Costello, agent for appellant; Anne Fougerson, agent for permit holder; Rodrigo Santos, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Braverman spoke in support of the appellant.

(7) APPEAL NO. 13-141

PATRICIA CALDERHEAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3032-3034 Jackson Street. Protesting the ISSUANCE on October 18, 2013, to Nancy Wong, Alteration Permit (response to NOV No. 201317501; shoring plan and sequence of excavation up to 20' at perimeter walls; revision to BPA No. 2007/07/12/6583; reference to BPA Nos. 2009/09/24/7633, 2011/09/21/5155 and 2007/07/12/6583). APPLICATION NO. 2013/09/19/7252. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to deny the appeal and issue the permit on the basis that the permit was properly issued.

SPEAKERS: Michael Bowen, agent for appellant; Michael O'Connor, agent for appellant; Anoush Zebarjadian, agent for appellant; Rodrigo Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 13-142

GREG BLEDNYH & MARIA MAZZEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	181 Edgehill Way. Protesting the ISSUANCE on October 23, 2013, to Steven Fujii, Alteration Permit (drainage of property at rear; revision to BPA Nos. 2001/04/04/6019 and 2012/12/28/6978). APPLICATION NO. 2013/09/19/7262. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to April 9, 2014 to allow the Department of Building Inspection to formulate what emergency work needs to be done and what process needs to be followed.

SPEAKERS: Pat Buscovich, agent for appellants; Bernd Koepke, agent for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: Nancy Koch spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:00 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for Dec. 25, 2013 or Jan. 01, 2014. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 08, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Dec. 20, 2013**

460
2/25/13,
11/14
cancelled

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